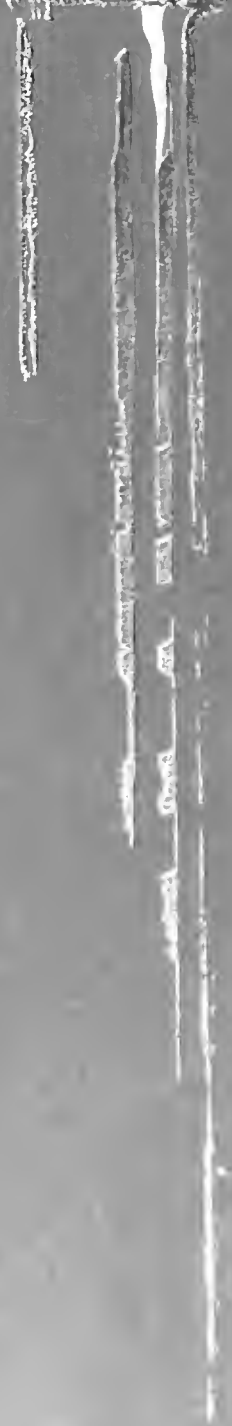


*The  
Formation  
of the  
Union*



RICHARD NIXON  
*President of the United States*

ROBERT L. KUNZIG  
*Administrator of General Services*

JAMES B. RHOADS  
*Archivist of the United States*

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A DOCUMENTARY HISTORY BASED UPON AN EXHIBIT IN THE NATIONAL ARCHIVES BUILDING

# *The Formation of the Union*



WASHINGTON, D. C.

# List of Documents

	<i>Page</i>
1. The Declaration of Rights, October 14, 1774.	8
2. The Articles of Association, October 20, 1774.	11
3. The Battle of Lexington: Deposition of Captain Parker, Commander of the Militia in Lexington, Massachusetts, April 25, 1775.	14
4. Appeal for Assistance from Massachusetts, May 3, 1775.	15
5. Credentials of the Pennsylvania Delegates to the Second Continental Congress, May 6, 1775.	16
6. Washington's Acceptance of the Post of Commander in Chief, June 16, 1775.	17
7. Privateering Resolution of March 23, 1776.	19
8. Resolution Opening the Ports of America to World Commerce, April 6, 1776.	19
9. Resolution, with Preamble, for the Establishment of Local Governments, May 10, 15, 1776.	20 & 21
10. Virginia's Instructions to its Delegates to Move for Independence, May 15, 1776.	22
11. The Lee Resolution for Independence, June 7, 1776.	23
12. Appointment of the Committee to Prepare the Declaration of Independence, June 11, 1776.	23
13. Adoption of the Lee Resolution for Independence, July 2, 1776.	24
14. First Printing of the Declaration of Independence, July 4-5, 1776.	26
15. Plan of Treaties, 1776.	28 & 29
16. General Gates' Letter Announcing Surrender of Burgoyne at Saratoga, October 18, 1777.	30
17. Treaty of Alliance with France, February 6, 1778.	31
18. The Articles of Confederation: John Dickinson's Draft, July 12, 1776.	35
19. The Engrossed Articles of Confederation, July 9, 1778.	36
20. Resolution for Equal Statehood for Acquired Territory, October 10, 1780.	38

	<i>Page</i>
21. Washington's Letter Announcing Victory at Yorktown, October 19, 1781.	39
22. The Treaty of Paris, September 3, 1783.	40
23. A Plan for the Government of the Western Country, March 1, 1784.	46
24. The Ordinance of 1787, July 13, 1787. (Northwest Ordinance)	48
25. Report of the Annapolis Convention, September 14, 1786.	51
26. Resolution Calling for the Philadelphia Convention, February 21, 1787.	53
27. The Virginia Plan as Amended in the Philadelphia Convention, June 13, 1787.	55
28. The Great Compromise, Journal of the Federal Convention, July 16, 1787.	57
29. Printed Draft of the Constitution, August 6, 1787.	59
30. Delaware's Ratification of the Constitution, December 7, 1787.	61
31. Call for the First Presidential Election, September 13, 1788.	62
32. Appointment of the Massachusetts Electors, January 7, 1789.	63
33. Report of the South Carolina Electoral Vote, February 4, 1789.	64
34. Notification to Washington of his Election as President, April 6, 1789.	66
35. Charles Thomson's Description of his Journey to Mount Vernon, April 24, 1789.	67
36. Washington's Inaugural Address, April 30, 1789.	69
37. North Carolina's Proposed Amendments to the Constitution, August 1, 1788.	72
38. New York's Ratification of the Bill of Rights, March 27, 1790.	73

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 William Ellery  
 Roger Sherman  
 John A. Huntington  
 John Williams  
 Oliver Wolcott  
 Mrs. Anne Thompson

# *The Formation of the Union*

Between September 5, 1774, when the First Continental Congress met in Philadelphia, and December 15, 1791, when the Bill of Rights became part of the Constitution of the United States, the course of American history was set for centuries to come.

Thirteen small and separate Colonies—in many cases having little in common besides their fealty to Great Britain—declared themselves independent states, secured recognition from foreign powers and made an alliance with France, defeated Great Britain on the field of battle, and negotiated a treaty of peace with favorable territorial provisions. Experimenting and innovating as they went, the new States established a completely original non-colonial policy for territorial acquisitions. When a confederation—their earliest form of government—appeared inadequate, they changed their political structure, in peaceful revolution, to a federal union under man's first written national constitution with specific guarantees of individual freedom in the Bill of Rights.

The Americans who travelled this remarkable route were wise in the ways of politics after their long experience of virtual self-government within the British Empire and could boast a high level of literacy for the period in which they lived. The canny lawyers and businessmen they chose to lead the American Revolution were careful to leave a written record of most of the steps in the formation of the American Union.





*“...these united colonies...ought to be free...”*

---

## *The Grievances*

Most American colonial subjects of the King of England were reasonably content with the position of the American Colonies in the British Empire before the end of the French and Indian War in 1763. Nearly all of the Colonies enjoyed near-autonomy under a governor appointed by the Crown, and they elected assemblies which made most local laws; the Navigation Acts which confined much colonial trade to British ports and British ships were not onerous and assured American merchants of a steady market. The advantages of belonging to the British Empire outweighed the disadvantages until the British Parliament decided to tax the colonists to pay for their recent defense against the French and Indians and for their future administration.

Several taxes, including the Stamp Act and the Townshend Acts, were levied, then repealed when Americans protested that only their own legislatures could tax them. Finally, however, the granting of a monopoly of the colonial tea market to the British East India Company brought matters to a head. When Bostonians staged the Boston Tea Party, staining the waters of their harbor with East India tea, Parliament retaliated with a series of laws called the Coercive Acts in England, but promptly labeled the “Intolerable Acts” in America. Among other things, the Acts closed the port of Boston and severely limited popular government in Massachusetts, striking at what Americans considered

their right to make their own laws. Fearing that the same treatment awaited any other colony which displeased Parliament, all the Colonies except Georgia sent delegates to Philadelphia to formulate a united stand on British colonial policy.



## *The First Continental Congress*

Few of the delegates to the First Continental Congress were considering independence from Great Britain as they took their seats in Carpenters' Hall in Philadelphia on the 5th of September 1774. Even though Massachusetts had sent such radical leaders as Samuel Adams and his cousin John Adams, the credentials of the Massachusetts delegates declared that the Congress was to “consult upon the present state of the Colonies, . . . and determine upon wise and proper measures, to be by them recommended to all the Colonies, for the recovery of their just rights & liberties, civil and religious, and the restoration of union and harmony between Great Britain and the Colonies. . . .”

Virtually the first order of business was a unanimous resolution on September 6 to appoint a committee “to state the rights of the Colonies . . . and

the means most proper to be pursued for obtaining the restoration of them." Two delegates from each colony made up the committee. Both Adamses were on it, along with Roger Sherman of Connecticut, John Jay of New York, and Richard Henry Lee and Edmund Pendleton of Virginia.

The Declaration of Rights (document 1), passed October 14, 1774, carried out the mandate to "state the rights of the Colonies." Following a long preamble detailing the grievances which had led to the meeting of the Continental Congress, there were 10 resolutions. Americans, they declared, were

The good people of the several colonies of New Hampshire, Massachusetts-bay, Rhode island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, New castle Kent and Sussex on Delaware, Maryland, Virginia, North Carolina and South Carolina justly alarmed at these arbitrary proceedings of parliament and administration have severally elected, constituted and appointed deputies to meet and sit in general congress in the city of Philadelphia in order to obtain such establishment as that their religion, laws and liberties may not be subverted:

Whereupon the deputies so appointed being now assembled in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid do in the first place as Englishmen their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties Declare—

That the inhabitants of the English colonies in North America by the immutable laws of Nature, the principles of the English constitution, and the several charters or compacts have the following Rights—

1. Resolved N.C.D. 1. That they are entitled to life, liberty and property: and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

Resolved N.C.D. 2. That our ancestors, who first settled these colonies were, at the time of their emigration from the mother country, entitled to all the rights, liberties and immunities of free and natural born subjects, within the realm of England.

Resolved

1. THE DECLARATION OF RIGHTS, October 14, 1774, PCC No. 1, Rough Journal of Congress, I 44-46, RG 36, Records of the Continental and Confederation Congresses and the Constitutional Convention, 12 x 7 1/8 in. 3 pages (pages 44 and 45 illustrated).

Resolved N.C.D.3. That by such emigration, they by no means forfeited, surrendered or lost any of those rights, but that they were, and their dependants now are entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved. 4. That the foundation of English liberty and of all free government is a right in the people, to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances cannot be properly represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner, as has been heretofore used and accustomed: But, from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members, excluding every idea of taxation internal or external for raising a revenue on the subjects in America without their consent.

Resolved N.C.D.5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law.

Resolved.

entitled to the same "rights, liberties, and immunities of free and natural-born subjects, within the realm of England" which their ancestors had enjoyed before emigrating to the colonies.

Resolution 4 presented the crux of the problem:

That the foundation of english liberty, and of all free government is a right in the people, to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: But, from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members excluding every idea of taxation internal or external for raising a revenue on the subjects in America without their consent.

The right of the colonists "peaceably to assemble, consider of their grievances, and petition the King" was also asserted, and the ninth resolution declared that "the keeping of a Standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against the law."

The Articles of Association (document 2), a nonimportation, nonconsumption, nonexportation agreement, was agreed upon on October 20 as "the means most proper . . . for obtaining restoration" of these rights. Effective December 1, 1774, no goods from Great Britain or Ireland were to be imported, and the slave trade was to be discontinued. Three months later, nonconsumption of British goods would begin, and, if the offending Intolerable Acts had not been repealed by September 10, 1775, nonexportation was to be instituted: all American merchants would thereafter refuse to sell American goods to the mother country.

The preamble of the Articles read in part:

We, his Majesty's most loyal subjects . . . affected with the deepest anxiety and most alarming apprehensions at those grievances and distresses, with which his Majesty's American subjects are oppressed, and having taken under our most serious deliberation the state of the whole continent find, that the present unhappy situation of our affairs is occasioned by a ruinous System of colony administration adopted by the British Ministry . . . evidently calculated for enslaving these colonies and with them the British Empire.

Then, after listing acts of Parliament to which the colonists objected, the preamble concluded:

To obtain redress of these grievances, which threaten destruction to the lives, liberty and property of his

Majesty's subjects in North-America we are of opinion, that a non-importation, non-consumption and non-exportation agreem[ent] faithfully adhered to will prove the most speedy, effectual and peaceable measure: And therefore we do for ourselves and the inhabitants of the several colonies whom we represent firmly agree and associate under the sacred ties of virtue, honour and love of our country as follows.

After the preamble were listed 14 articles, including several that called for a condemnation of colonial merchants, shipowners, and others who should disregard the Articles, and for nonintercourse with any colony or province that should refuse to accede to or should violate the Articles of Association.

Several of the articles were designed to offset the economic dislocations that Congress realized were likely to occur. One article prohibited the sale of goods at rates higher than those that had prevailed "for twelve months last past"; another stated that

. . . we will in our several stations encourage frugality, oeconomy and industry and promote agriculture, arts and manufactures of this country, especially that of wool, and will discountenance and discourage every species of extravagance and dissipation especially all horse racing and all kinds of gaming, cockfighting, exhibitions of plays, shews and other expensive diversions and entertainments. . . .

Other important provisions were that the committees of correspondence should inspect custom-house records and that every county, city, and town should elect a committee to observe "the conduct of all persons touching this association" and to publish the names of violators as "enemies of American liberty."

Committees of observation and inspection, promptly set up, did much to enforce the Articles. Even more important, they formed a well organized and powerful network which, after Lexington and Concord, was used to promote military as well as economic union.

The Association was adopted with great optimism regarding its effectiveness and was expected to bring Great Britain to terms in short order. Nonimportation agreements among merchants of individual colonies were credited with having forced Parliament to repeal both the Stamp Act and the Townshend Acts in the years between 1765 and 1770. Surely a boycott embracing 12 of the Thirteen Colonies would be even more successful.

When these two important documents had been signed, the First Continental Congress finished its other business quickly. It dispatched a petition to the King and sent addresses to the people of Great Britain, of North America, and of Quebec, stating the colonial position and soliciting support.

"The Congress then dissolved itself" on October

We, his Majesty's most loyal subjects the Delegates of the several Colonies of New Hampshire, Massachusetts-Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower counties of New Castle, Kent and Sussex in Delaware, Maryland, Virginia, North Carolina and South Carolina deputed to represent themselves in the continental Congress held in the city of Philadelphia on the fifth day of September 1776, receiving our allegiance to his Majesty, our affection and regard for our fellow subjects in Great-Britain and elsewhere affected with the deepest anxiety and most alarming apprehensions at those grievances and disputes, with which his Majesty's American subjects are oppressed, and having taken under our most serious deliberation the state of the whole continent find, that the present unhappy situation of our affairs is occasioned by a system of colony administration adopted by the British Ministry about the year 1763 evidently calculated for enslaving these colonies and with them the British Empire, in prosecution of which by various acts of parliament have been passed for raising a Revenue in America for depriving the American subjects in many instances of the constitutional trial by jury, exposing their lives to danger by erecting a new and illegal trial beyond the seas, crimes alleged to have been committed in America: And in prosecution of the same system, several late cruel and oppressive acts have been passed respecting the towns of Boston and the Massachusetts-Bay, and also an act for extending the power of Exchequer as to London to the western frontiers of these colonies, establishing an arbitrary government therein and discouraging the settlement of British subjects in that wide extended country, thus by the influence of civil principles and ancient prejudices to dispose the inhabitants to act with hostility against the free protestant colonies, whenever a wicked Ministry shall choose to deride them.

To obtain redress of these grievances, which threaten destruction to the lives, liberty and property of his Majesty's subjects in North America we are of opinion, that a non-importation, non-consumption and non-exportation agreement is faithfully adhered to will prove the most speedy, effectual and peaceable measure: And therefore we do for ourselves and the inhabitants of our several colonies whom we represent firmly agree and associate under the sacred ties of virtue, honour and love for country as follows.

1. That from and after the first day of December next we will not import into British America from Great-Britain, Ireland, any Goods, wares or merchandise whatsoever or from any other place any such goods, wares or merchandise as shall be exported from Great-Britain or Ireland; nor will we after that day import any East India Tea from any part of the World, or any Molasses, Syrup, rum, or spirits from the British Colonies or from Dominions, nor Wine from Madeira or the Western Islands nor foreign Indigo.
2. That we will neither import nor purchase any Slave imported after the first day of December next, and after such time we will wholly discontinue the Slave trade, and will neither be concerned in it ourselves, nor will we have our ships or our commodities or manufactures to those who are concerned in it.
3. The non-consumption agreement strictly adhered to will be an effectual security for the observance of the non-importation, we do solemnly agree and associate, that from this day we will not purchase or use any Tea imported or consumed by the East India Company, or any in which a duty hath or shall be paid, and from and after the first day of March next we will not purchase or use any East India tea whatsoever, nor will we nor any person for or under us purchase or use any of those goods, wares or merchandise we have agreed not to import, which we shall know or have cause to suspect were imported after the first day of December except such as come under the rules and direction of the trade act hereafter mentioned.
4. The interest which we have not to injure our fellow subjects in Great-Britain, Ireland or the West Indies causes us to suspect a non-exportation erected the tenth day of September 1775 at which time if the said acts and parts of a. s. of the British Parliament are not repealed we will not directly or indirectly export any merchandise or commodities of value to Great-Britain, Ireland or the West Indies, except Rice to Europe.
5. Such as are merchants and are the British and Irish trade will give orders as soon as possible to their factors, Agents and correspondents in Great-Britain and Ireland not to ship any goods to them or any persons whatsoever as they can not be received in America; And if any merchant residing in Great-Britain or Ireland shall directly or indirectly ship any goods, wares or merchandise for America in order to break the said non-importation agreement or in any manner



The foregoing association being determined upon by the Congress, was ordered to be subscribed by the several members thereof, and thereupon we have hereunto set our respective names accordingly.

2<sup>d</sup> Congress, Philadelphia October 20<sup>th</sup> 1774.

North  
Indiana

Will Hooper

Joseph H. Webb

9/2/2020

Henry Middleton

五月廿九

1942

*In the day*

Ernst Rattig

12

26, but a resolution had been passed providing for the meeting of a Second Continental Congress on May 10, 1775, "unless the redress of grievances, which we have desired, be obtained before that time." Thus the First Continental Congress served notice that it did not consider itself an isolated protest meeting, but represented the beginning of a determined defense of American freedom.

Without conscious intention, the leaders of the American colonies had taken the first important step toward becoming the United States of America.



## The Revolutionary War: First Shots

While the First Continental Congress was seeking the peaceful restoration of the rights of the colonies within the British Empire, the farmers of Massachusetts were preparing for war. Companies of "minutemen" were secretly drilling, and arms and ammunition were being collected and hidden in anticipation of armed clashes with the British.

At the end of the French and Indian War, a standing army of British soldiers had been left in America for the first time in peacetime. In 1774, General Thomas Gage, the British Commander in Chief, was given the additional position of Royal Governor of Massachusetts and charged with the unpleasant duty of enforcing the punitive Intolerable Acts. Urged by the British Ministry to act against the unrepentant colonists by seizing the leaders, Gage reluctantly decided to send troops to arrest Samuel Adams and John Hancock, who had fled to Lexington, and to proceed to Concord to capture military stores known to be hidden there.

On the evening of April 18, 1775, General Gage's "secret" expedition of about 800 troops left Boston for Lexington and Concord. His plans were quickly discovered, and William Dawes and Paul Revere slipped out of the city on their famous rides to warn Adams, Hancock, and the people of the two towns.

When the British arrived at Lexington early

on the morning of April 19, a little band of minutemen under the command of Captain John Parker was drawn up on the village green to greet them. Parker's deposition describes his version of what happened thereafter:

I John Parker, of lawful Age, and Commander of the Militia in Lexington, do testify & declare that on the 19th Instant, in the Morning, about one of the Clock, being informed that there were a Number of Regular Officers riding up and down the Road, stopping and insulting People as they passed the Road, and also was informed that a Number of Regular Troops were on their March from Boston, in order to take the Province Stores at Concord, ordered our Militia to meet on the Common in said Lexington, to consult what to do, and concluded not to be discovered, nor meddle or make with said Regular Troops (if they should approach) unless they should insult or molest us—and upon their sudden Approach I immediately ordered our Militia to disperse and not to fire—Immediately said Troops made their Appearance and rushed furiously, fired upon and killed eight of our Party, without receiving any Provocation therefor from us. (Document 3.)

Following this skirmish, the British soldiers moved on to Concord where they found few military supplies to seize because the forewarned Americans had removed them to other hiding places. The entire day's expedition was costly to the British as they encountered one American militia unit after another, and made their way back to Boston under steady sniping. The Americans fought Indian style, firing on the British from behind trees and stone walls. At the same time, the Massachusetts Provincial Congress, a revolutionary body elected after the Royal Governor had dissolved the colonial legislature, realized that war had come at last. Fully aware that Massachusetts could not undertake to fight the British alone, it prepared an appeal for assistance (document 4) to be sent to the Continental Congress, enclosing Parker's deposition and 19 others. It called upon the Congress to establish an American Army to fight in "the cause of America."

Meanwhile, on May 10, 1775, the very day that the Second Continental Congress began its deliberations, Ethan Allen and his Green Mountain Boys, on their own initiative, surprised the British garrison at Fort Ticonderoga. By his own account Allen secured the surrender in the name of "the great Jehovah and the Continental Congress." Whether or not his recollection was accurate, the Second Continental Congress could no longer hope for an entirely peaceful settlement of colonial differences with England.



N<sup>o</sup> 4. Lexington April 25<sup>th</sup> 1775. 57

I John Parker, of lawful Age, and Commander of the Militia in Lexington, do testify & declare that on the 19<sup>th</sup> Instant, in the Morning, about one of the Clock, being informed that there were a Number of Regular Officers riding up and down the Road, stopping and insulting People as they passed the Road, and also was informed that a Number of Regular Troops were on their March from Boston, in order to take the Province Stores at Concord, ordered our Militia to meet on the Common in said Lexington, to consult what to do, and concluded not to be discovered, nor meddle or make with said Regular Troops (if they should approach) unless they should insult or molest us. and upon their sudden Approach I immediately ordered our Militia to disperse and not to fire. Immediately said Troops made their Appearance and rushed furiously, fired upon and killed eight of our Party, without receiving any Provocation therefor from us.

John Parker

3. THE BATTLE OF LEXINGTON. DEPOSITION BY CAPTAIN PARKER, April 25, 1775. PCC No. 65, Massachusetts State Papers, 1775-87, I: 17, RG 360. 11 7/8 x 7 1/4 in. 1 page.

## The Second Continental Congress

The Second Continental Congress was, to all intents and purposes, the government of the United States from 1775 to 1788. Although its membership changed through the years, and it moved its meeting place from city to city during the Revolutionary

War and until 1785, it was essentially the same body which declared the United States independent, waged the war to make independence a fact, and, as "the United States in Congress Assembled," regularized its own activities as the national government by writing the Articles of Confederation. It finally dissolved itself when a new Constitution replaced the Articles in 1788.

Many members of the First Continental Congress reappeared in the Second, but several new delegates presented credentials. Notable among them was Benjamin Franklin of Pennsylvania, who had





In Assembly

May 6. 1775 A. H.

Resolved A. C. D.

That Benjamin Franklin Esq.<sup>r</sup> be, and he is hereby added to the Deputies appointed by this House to attend the Continental Congress expected to meet the 10<sup>th</sup> instant in this City

Resolved A. C. D.

That the Hon.<sup>ble</sup> Thomas Willing of Philadelphia, and James Wilson Esq.<sup>r</sup> of Carlisle be also added to the said Deputies for this Province

Extract from the Journals  
Cha. Moore Esq.  
of Assembly

5. CREDENTIALS OF PENNSYLVANIA DELEGATES TO THE SECOND CONTINENTAL CONGRESS, May 6, 1775. Misc. PCC, RG 360. 9 1/4 x 7 1/2 in. 1 page. The credentials of other Pennsylvania delegates besides Franklin, Willing and Wilson mentioned in the endorsement are separate documents. Endorsed: Credentials of: Edward Biddle/John Dickinson/Thomas Mifflin, Cha. Humphreys/John Morton/George Ross/Benj. Franklin/Thomas Willing/James Wilson. Delegates for Pennsylvania. Read before the Congress May 11, 1775.

recently returned from London (document 5).

Gradually, almost imperceptibly, the Second Continental Congress took upon itself the responsibilities of a national government. The first dramatic decision, made only after days of debate, was the creation of a Continental Army. On June 14 a uniform method of enlistment was prescribed for

companies to be raised in Pennsylvania, Maryland, and Virginia: "I \_\_\_\_\_ have, this day, voluntarily enlisted myself, as a soldier, in the American continental army. . . ." The next day the shrewd New Englander John Adams engineered the nomination and unanimous election of a Virginian, Colonel George Washington, as the general

The President informed Col.<sup>d</sup> Washington that the Congress had yesterday, Unanimously made choice of him to be ~~captain~~ General & Commander in Chief of the American Forces, and requested he would accept of that Appointment; whereupon Col.<sup>d</sup> Washington, standing in his place, spoke as follows.

" M<sup>r</sup>. President,

" Tho' I am truly sensible of the high Honour done <sup>consideration</sup> me in this Appointment, yet I feel great doubts, from a ~~doubt~~ <sup>consciousness</sup> that my abilities & military experience may not be equal to the extensive & important Trust: However, as the Congress desire I will enter upon the momentous duty, & exert every power I possess for their service & for the support of the glorious cause: I beg they will accept my most cordial thanks for this distinguished testimony of their approbation.

" But lest some untimely event should happen injurious to my reputation, I beg it may be remembered by every Gent<sup>l</sup> in the room, that at this day declare with the utmost sincerity, I do not think my self equal to the Command & honored with.

" And pray, Sir, I beg leave to inform the Congress that no pecuniary consideration could have tempted me to have accepted this <sup>at y<sup>e</sup> expense of my domest<sup>ic</sup> ease & hap<sup>py</sup></sup> ~~odious~~ <sup>honorable</sup> compliment. I do not wish to make any profit from it. I will keep an exact Account of my expenses; those I doubt not they will discharge & that for all I desire.

6. WASHINGTON'S ACCEPTANCE OF THE POST OF COMMANDER IN CHIEF, June 16, 1775, PCC No. 152, Letters from Gen. George Washington, Commander in Chief of the Army, 1775-84, I, 1, RG 36-11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. In the hand of Edmund Pendleton, a delegate from Virginia, except to the phrase "at y<sup>e</sup> expense of my domest<sup>ic</sup> ease & hap<sup>py</sup>" which was interlined by Washington. Endorsed: Gen. Washington's answer to the Congress upon his Acceptance of the

who should "command all the continental forces, raised, or to be raised, for the defence of American liberty."

Washington was officially informed of his election on June 16 by Peyton Randolph of Virginia, president of the Congress.

Whereupon Col<sup>o</sup> Washington, standing in his place, Spoke as follows.

"M<sup>t</sup> President,

"Tho' I am truly sensible of the high Honour done me in this Appointment, yet I feel great distress, from a consciousness that my abilities and military experience may not be equal to the extensive & important Trust: . . . .

"But lest some unlucky event should happen unfavourable to my reputation, I beg it may be remembered by every Gent<sup>l</sup> in the room, that I this day declare with the utmost sincerity, I do not think my self equal to the Command I [am] honoured with.

As to pay, Sir, I beg leave to Assure the Congress that as no pecuniary consideration could have tempted me to have accepted this Arduous employment at y<sup>e</sup> expence of my domes<sup>t</sup> ease & hap[iness] I do not wish to make any profit from it: I will keep an exact Account of my expences; those I doubt not they will discharge & that is all I desire." (Document 6.)

Ten days later a Continental currency was established, and before the end of July a Post Office for the "United Colonies" was set up with headquarters in Philadelphia. Benjamin Franklin was unanimously chosen to be the first "postmaster General."



## *British Response to American Petitions*

When the Second Continental Congress began its deliberations, King George III had made no official reply to the petition for redress of grievances sent to him by the First Continental Congress. Parliament had sent to the colonial legislature an offer of conciliation with no real expectation that its terms would be accepted, and they were not.

The determination of the King and Parliament to take a hard line with the colonies became increasingly evident as news of proclamations and acts came across the Atlantic. In August 1775, the King issued a proclamation declaring that his Ameri-

can subjects were "engaged in open and avowed rebellion," and he opened Parliament in October with a speech asserting that "the rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire." Some Americans, like Samuel Adams, retorted that if the King thought they were fighting for independence, they might as well do so, but the majority of the Continental Congress still clung to the hope of reconciliation.

This hope dimmed when Parliament passed the American Prohibitory Act, described even by some members of Parliament as a "declaration of war" on America. It made all American vessels and their cargoes forfeit to the Crown "as if the same were the ships and effects of open enemies."

Finally, word reached the colonies that the King had negotiated treaties with German states to hire mercenaries to fight in America. George Washington secured copies of some of these agreements and sent them to Congress on May 23, 1776. Curiously, this action of the King—the hiring of Hessians—was what finally convinced many Americans that the mother country was indeed treating her colonies as a foreign country.



## *Reluctant Steps Toward Independence*

Still the Continental Congress did not rush headlong into independence. One at a time, the ties with the mother country were cut, and it was only after separation from England was virtually a fact that a declaration of independence was issued.

The Privateering Resolution that "inhabitants of these colonies be permitted to fit out armed vessels to cruize [sic] on the enemies of these United Colonies," was an early indication that the United Colonies were becoming a sovereign state or group of states. Passed in March 1776, it also established rules and regulations to govern prize cases expected to arise from the capture of "enemy" vessels (document 7).

Two weeks later, on April 6, the ports of America were opened to the commerce of the world

*Resolved That the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these united colonies.*

7. PRIVATEERING RESOLUTION, March 23, 1776, PCC No. 2, Transcript Journal of Congress, III: 382-383, RG 360. 12 1/2 x 7 1/4" 2 pages (excerpt illustrated).

(document 8). Since the Association and the Prohibitory Act effectively prevented trade with Great Britain, commerce with other nations was an economic necessity. Nevertheless, this was a de facto declaration of economic independence, severing the closest ties of the British Empire, the Navigation Acts which had bound the colonies to the mother country in one closed market.

Meanwhile, individual colonies were applying to the Continental Congress for advice on setting up local governments as royal governors first dis-

solved legislatures and then, in many cases, fled the colonies. On May 10, the Congress resolved

That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigences of their affairs have been hitherto established, to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general. (Document 9A.)

The bitter tone of the preamble adopted 5 days later to be published with this resolution showed

*Resolved That any goods wares and merchandize except flaves and empty casks other than shaken or knocked down casks for molasses may be exported from the thirteen united colonies by the inhabitants thereof and by the people of all such countries as are not subject to the King of Great Britain to any parts of the world, which are not under the dominion of the said king:*

*Resolved That any goods wares and merchandize, except such as are of the growth, production or manufacture of or brought from any country within the dominion of the King of Great Britain and except East India Tea may be imported from any other parts of the world to the thirteen united colonies by the inhabitants thereof and by the people of all such countries as are not subject to the said King,*

8. RESOLUTION OPENING AMERICAN PORTS TO WORLD COMMERCE, April 6, 1776, PCC No. 1, II: 35-39, RG 360. 12 1/2 x 7 1/4" 4 pages (page 35 illustrated)

that the patience of even the most conservative and loyal members of the Congress was nearing an end.

Whereas his Britannic Majesty in conjunction with the lords and commons of great Britain has by a late act of Parliament excluded the inhabitants of these united colonies from the protection of his crown And whereas no answer whatever to the humble petitions of the colonies for redress of grievances & reconciliation with great Britain has been or is likely to be given; but the whole force of that Kingdom aided by foreign mercenaries is to be exerted for the destruction of the good people of these colonies, And whereas it appears absolutely irreconcilable to reason and good Conscience for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue & good order as well as for the defence of their lives liberties and properties against the hostile invasions & cruel depredations of their enemies, therefore resolved &c. (Doc. 9B)

Little was now left of the structure of England's colonial empire on the American mainland between Quebec and Florida. The Thirteen Colonies were separated economically and politically from the mother country.

At the same time, the people were slowly becoming accustomed to the inevitability of independence as it began to be debated openly in the active colonial press. A pamphlet entitled *Common Sense*, written by Thomas Paine, denounced monarchy as "ridiculous" and called for independence because "there is something absurd, in supposing a Continent to be perpetually governed by an island."

Within months of its publication in January 1776, thousands of copies had been sold, helping to convince its readers that "the cause of America is the cause of mankind."

In April North Carolina instructed its Continental Congress delegates to "concur with the delegates of the other colonies in declaring independency," and on May 4 Rhode Island declared itself independent.

The British burning of Norfolk and a Tory uprising in North Carolina helped to crystallize colonial thought. The drive toward freedom rapidly gained momentum; by the middle of May eight colonies had decided that they would join in supporting independence. The Convention of Virginia took a significant step on May 15 by passing the following resolution:

Forasmuch as all the endeavours of the United Colonies by the most decent representations and petitions to the king and parliament of Great Britain to restore peace and security to America under the British government and a re-union with that people upon just and liberal terms instead of a redress of grievances have produced from an imperious and vindictive administration increased insult oppression and a vigorous attempt to effect our total destructions . . .

Resolved unanimously, that the delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration . . . (Document 10.)



*Resolved That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall in the opinion of the representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general.*  
*Resolved That a committee of three be appointed to prepare a preamble to the foregoing resolution*

9A . . . 1 . . . 104 *Wm. W. H. Lee*

9A. RESOLUTION FOR THE FORMATION OF LOCAL GOVERNMENTS. May 10, 1776, PCC No. 2, III 494, RG 360. 12 x 7 1/4 in. 1 page. (excerpt illustrated).



Whereas his Britannic Majesty in conjunction  
with the lords and commons of great Britain has by  
a late act of Parliament excluded the inhabitants of  
these united colonies from the protection of his crown.  
And whereas no answer whatever to the humble petitions  
of the colonies for redress of grievances & reconciliation  
with great Britain has been or is likely to be given;  
but the whole force of that kingdom aided by foreign  
mercenaries is to be exerted for the destruction of  
the good people of these colonies, And whereas it  
appears absolutely unconscionable to reason and  
good conscience for the people of these colonies now  
to take the oaths and affirmations necessary for the  
support of any government under the crown of  
great Britain, and it is necessary that the exercise  
of every kind of authority under the said crown  
should be totally suppressed and all the powers of  
government vested under the authority of the people  
of the colonies for the preservation of internal  
peace, virtue & good order as well as for the defence  
of <sup>their</sup> lives liberties and properties against the  
hostile invasions & cruel depredations of <sup>their</sup> enemies,  
therefore resolved as  
Ordered That the Preamble with the resolution <sup>passed</sup>  
the 12<sup>th</sup> instant be published.

9B. PREAMBLE TO LOCAL GOVERNMENT RESOLUTION, May 15, 1776,  
PCC No. 1, II. 149, RG 360. 12½ x 7¼ in. 1 page

Resolved unanimously, that the delegates appointed to represent this colony in General Congress be instructed to propose to that respectable body to declare the United Colonies free, and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances and a confederation of the colonies, at such time, and in the manner, as to them shall seem best. Provided, that the power of forming government for, and the regulations of the internal concerns of each colony, be left to their respective colonial legislatures.

Resolved unanimously, that a committee be appointed to prepare a Declaration of Rights, and such a plan of government as will be most likely to maintain peace and order in this colony; and secure substantial and equal liberty to the people.

A copy

John C. Laywell

clerk of the Convention

Sam<sup>l</sup>. Sencibleton. S.

10. VIRGINIA'S RESOLUTION INSTRUCTING ITS DELEGATES TO MOVE FOR INDEPENDENCE, May 15, 1776, Misc. PCC, RG 360. 14 $\frac{1}{2}$  x 9 $\frac{1}{8}$  in. 2 pages (page 2 illustrated). Endorsed: Instructions given by the Convention of Virginia to their delegates. / read 27. May 1776. / May 15<sup>th</sup> 1776.

## The Lee Resolution for Independence

On the morning of June 7, Richard Henry Lee, in compliance with the instructions of the Convention of Virginia, rose in Congress and offered this resolution:

That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved. (Document 11.)

Congress deferred action on this resolution until the following day and then, after debate, until June 10.

Many members of Congress expressed opposition to the Lee Resolution; they believed a declaration of independence to be premature. Other delegates felt they should have instructions from their colonies before voting on a question so momentous. Under these circumstances, on June 10 final action on the resolution was again postponed, for 3 weeks. Congress did, however, decide that "in the mean time least any time sh<sup>d</sup> be lost in case the Congress agree to this resolution a committee be appointed to prepare a Declaration to the effect of the said first resolution."



Resolved ~~That~~ <sup>11</sup> That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British crown; and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

That it is expedient forthwith to take the most effectual measures for forming foreign alliances.

That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

11. THE LEE RESOLUTION FOR INDEPENDENCE, June 7, 1776, PCC No. 23, Other Reports of Committees of Congress, 1776-88, I 11, RG 36. 1 1/2 x 8 in. 1 page. Endorsed June 7, 1776. N<sup>o</sup> 4. Resolutions moved June 7<sup>th</sup> 1776. referred for consideration till to morrow. respecting Independanc of the U.S

1776.  
June 11.

Resolved That the committee for preparing the declaration consist of five

The members chosen W<sup>th</sup> Jefferson, W<sup>th</sup> Adams, W<sup>th</sup> Franklin, W<sup>th</sup> Sherman & W<sup>th</sup> R. Livingston

Resolved That a committee be appointed to prepare & digest the form of a confederation to be entered into between these colonies

That a committee be appointed to prepare a plan of treaties to be proposed to foreign powers.

W<sup>th</sup> Cohen and W<sup>th</sup> Green at Councils house

12. APPOINTMENT OF THE COMMITTEE TO PREPARE THE DECLARATION June 11, 1776, PCC No. 24, RG 36. 1 1/2 x 8 in. 1 page (except declaration)



The committee of five elected to prepare the Declaration of Independence included Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston (document 12).

The Lee Resolution was again before Congress for action on July 1. After considerable debate, the resolution was passed on July 2 by the votes of 12 colonies (document 13). New York's delegation cast no vote until the newly-elected New York Convention upheld the Declaration on July 9.

The Lee Resolution contained three parts: a declaration of independence, the formation of foreign alliances to win independence, and "a plan of confederation" to create a viable nation from the 13 States after independence. It took the next 5 years to implement this tripartite resolution.



## *The Declaration of Independence*

The first step in implementing the Lee Resolution was to issue the Declaration of Independence. Between June 11 and June 28 Jefferson drafted the Declaration, submitted the draft separately to Adams and Franklin, and then obtained the approval of the entire committee. The document was debated in Committee of the Whole for several days before it was "agreed to" on July 4. Then Congress ordered

That the declaration be authenticated & printed.

That the committee appointed to prepare the declaration superintend & correct the press.

That copies of the declaration be sent to the several assemblies, conventions & committees or councils of safety and to the several commanding officers of the continental troops; that it be proclaimed in each of the united states & at the head of the army.

The first printing of the Declaration was delivered to Congress on July 5 by John Dunlap, a Philadelphia printer. The title is simply "A Declaration By the Representatives of the United States of America. In General Congress assembled," and below the text appears only the statement, "Signed by Order and in Behalf of the Congress, John Hancock, President. Attest. Charles Thomson, Secretary," and the colophon of John Dunlap, Philadelphia (document 14).

New York having approved the Declaration on July 9, Congress ordered on July 19 that the Declaration be engrossed on parchment with a new title, "The unanimous declaration of the thirteen united States of America," and "that the same when engrossed be signed by every member of Congress." The engrosser, probably Timothy Matlack, completed his work shortly thereafter, and "the declaration of independence being engrossed and compared at the table was signed" on August 2.

The printed copy of July 5 had borne only the name of John Hancock, President of the Congress, attested by Charles Thomson, Secretary. Hancock was the first to sign the engrossed parchment, in the center below the text. According to the custom of the time, the delegates began to sign at the right below the text, and their signatures were arranged according to the States they represented, beginning with the northernmost, New Hampshire, and ending with the southernmost, Georgia, at the left. Eventually 56 members of Congress affixed their signatures to the Declaration, though not all were present on August 2. As delegates who had been absent returned to Congress they signed the document. A few delegates, either from conviction or from negligence, did not sign at all.

The signers' names were not made public for some time, apparently because of the possibility of reprisal against individuals, who, in the eyes of Great Britain, were rebels and traitors. After Washington's victories at Trenton and Princeton, however, Congress on January 18, 1777, ordered that "an authenticated copy of the Declaration of Independency with the names of the members of Congress subscribing the same be sent to each of the United States."



IN CONGRESS, JULY 4, 1776.  
**A DECLARATION**  
 BY THE REPRESENTATIVES OF THE  
**UNITED STATES OF AMERICA,**  
 IN GENERAL CONGRESS ASSEMBLED.

**W**HEN in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and according to all Experience hath shewn, that Mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the Form to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

He has refused his Assent to Laws, the most wholesome and necessary for the public Good.  
 He has forbidden his Governors to pass Laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

He has called together legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions on the Rights of the People.

He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage the Migrations hither, and raising the Conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

He has erected a Malitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance.

He has kept among us, in Times of Peace, Standing Armies, without the Consent of our Legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large Bodies of Armed Troops among us;

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States;

For cutting off our Trade with all Parts of the World;

For imposing Taxes on us without our Consent;

For depriving us, in many Cases, of the Benefits of Trial by Jury;

For transporting us beyond Seas to be tried for pretended Offences;

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same into these Colonies;

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all Cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People.

He is, at this Time, transporting large Armies of foreign Mercenaries to complete the Works of Death, Desolation, and Tyranny, already begun with consequences of Cruelty and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the Executioners of their Friends and Relations, or to fall themselves by their Hands.

He has excited domestic Insurrections amongst us, and has endeavoured to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions.

In every Stage of this Oppression, we have Petitioned for Redress in the most humble Terms: Our repeated Petitions have been answered only by repeated Injury. A Prince, whose Character is thus marked by every act which may define a Tyrant, is unfit to be the Ruler of a free People.

Now have we been wanting in Attentions to our British Brethren. We have warned them from Time to Time of Attempts by their Legislature to extend an unwarrantable Jurisdiction over us. We have reminded them of the Circumstances of our Emigration and Settlement here. We have appealed to their native Justice and Magnanimity, and we have conjured them by the Ties of our common Kindred to disavow these Usurpations, which would inevitably interrupt our Commerce and Correspondence. They too have been deaf to the Voice of Justice and of Consanguinity. We must, therefore, acquiesce in the Necessity, which denounces our Separation, and hold them, as we hold the rest of Mankind, Enemies in War, in Peace, Friends.

We, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS ASSEMBLED, do hereby certify that they are, by the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, publish and declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are, and ought to be, united to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

*Signed by ORDER and in BEHALF of the CONGRESS,*

**JOHN HANCOCK, PRESIDENT.**

**CHARLES THOMSON, SECRETARY.**

PHILADELPHIA: PRINTED BY JOHN DUNLAP.

14. FIRST PRINTING OF THE DECLARATION OF INDEPENDENCE.

July 4, 1776. PCC No. 1. III. 94. RG 30. 15 x 12. 1. 1. Broadside. Printed by John Dunlap, Philadelphia. Watered into the Rough Journal of the Congress for July 4.

## The First Foreign Alliance

Although the need for foreign aid was agreed upon in the Lee Resolution, the attempt to form foreign alliances was undertaken only after serious deliberation and weighing all foreseeable consequences. Therefore, a great deal of thought was given to the terms which the United States would be willing to accept in order to obtain alliances and commercial treaties. Benjamin Franklin, who had spent many years in England as a colonial agent, was a logical choice to be a member of a committee to draw up a "Plan of Treaties" (document 15); also on the committee were John Adams, Benjamin Harrison, John Dickinson, and Robert Morris.

The "Plan of 1776," adopted in September on the recommendation of this committee, was a model treaty to be used by agents of the United States when they approached European nations to negotiate treaties. All but one of the commercial treaties which the United States entered into during the 19th century were patterned after this plan.

Under detailed instructions from the Continental Congress, a three-man commission consisting of Benjamin Franklin, Silas Deane and Arthur Lee was assigned the task of negotiating treaties of commerce with other powers. At first the representatives were not instructed to seek military alliances, so averse was the Congress to becoming involved in future European wars; but this limitation was shortly lifted.

France was favorably disposed toward the Americans even before Franklin arrived in Paris. At the end of the French and Indian War in 1763, France, shorn of most of its empire, was overshadowed by Great Britain in every European chancellery. Humiliated, the French bided their time, hoping for revenge. They watched with interest the growing friction between Great Britain and the American colonies and the outbreak of revolution. In 1776, even before the colonies had declared their independence, France had secretly begun to supply them with aid, through a fictitious company headed by the romantic playwright, poet, and courtier, Pierre Augustin Caron de Beaumarchais. It was not, however, until the American victory in the Saratoga campaign that the French agreed to negotiate with the American diplomats as envoys of an independent power.

The British plan of campaign for 1777 was to cut off New England from the other States; General Sir William Howe was to ascend the Hudson River from New York and General John Burgoyne was

to proceed from Canada to meet him. The plan failed when the Americans under General Horatio Gates decisively defeated General Burgoyne's veteran troops near Saratoga on October 17 and forced his surrender. On the 18th, Gates proudly transmitted to Congress a copy of the generous surrender terms signed by Burgoyne (document 16).

This great Saratoga victory finally convinced France that an open military alliance with the United States would not be too much of a risk militarily and must be pushed through quickly if France was to reap benefits from the Anglo-American conflict. The Comte de Vergennes, the French foreign minister, was thoroughly alarmed when Benjamin Franklin informed him that the British Ministry was making unofficial conciliatory overtures to the American diplomats in France. Vergennes used this information to convince King Louis XVI and the rest of his ministers that it was essential for France to recognize the independence of the United States and enter into a formal alliance with the new nation if Great Britain was to be prevented from regaining her American empire.

On February 6, 1778, in Paris, Franklin, Deane, and Lee signed two pacts with the French. One was a treaty of commerce with terms almost identical to those specified by Congress in the Plan of 1776. The other was a military alliance (document 17). Not only the American determination to be free, but the compelling French resolution as well that Britain should be shorn of her colonies, is demonstrated in two important articles:

Art. 2. The essential and direct End of the present defensive alliance is to maintain effectually the liberty, Sovereignty, and independence absolute and unlimited of the said united States. . . .

Art. 8. Neither of the two Parties Shall conclude either Truce or Peace with Great Britain . . . until the Independence of the united States Shall have been formally or tacitly assured by the Treaty or Treaties that shall terminate the War.

The military stores which had been secretly supplied by Beaumarchais helped to make the Saratoga victory possible, and the arrival of the gallant young Marquis de Lafayette in April 1777 as a volunteer in the cause of American freedom gave the army a dedicated leader. But the solid support of the professional army of Louis XVI under the command of the Comte de Rochambeau and the French Navy under Admiral de Grasse, sent to fulfill the terms of the Alliance of 1778, contributed more to the final victory for American independence.

The French alliance was the only military alliance made by the United States until it joined the United Nations in 1942.



Coll. of State Treaties 109  
Coll of Sea Laws 541.

129

There shall be a firm, inviolable, and universal Peace, and a true and Sincere Friendship between the most Serene and mighty Prince, Lewis the Sixteenth, the most Christian King his Heirs and Successors, and the united States of America; and the Subject of the most Christian King, and of the said States; and between the Countries, Islands, Cities, and Towns situate under the Jurisdiction of the most Christian King and of the said united States, ~~and every of them~~, and the People and Inhabitant thereof of every degree; without Exception of Persons or Places; and the Terms hereinafter mentioned shall be perpetual between the most Christian King, his Heirs and Successors, and the said united States.

ag.

Art. 1. The Subjects of the most Christian King shall pay no other Duties or Imports in the Ports, Harbors, Roads, Countries, Islands, Cities, or Towns of the said united States, or any of them, than the Statutes thereof, or any Commercial Companies established by them or any of them, shall pay, but shall enjoy all other the Rights, Liberties, Privileges, Immunities, and Exemptions in Trade, Navigation and Commerce in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Statutes, or Companies enjoy.

Should there not be an  
option of Asia, and  
Leys of Africa.

ag.

Art. 2. The Subjects, People and Inhabitants of the said united States and every of them shall pay no other Duties, or Imports in the Ports, Harbors, Roads, Countries, Islands, Cities, or Towns of the most Christian King, than the Statutes of such Countries, Islands, Cities, or Towns of France, or any commercial Companies established by the most Christian King shall pay, but shall enjoy all <sup>other</sup> the Rights, Liberties, Privileges, Immunities and Exemptions in Trade, Navigation and Commerce, in passing from one Part thereof to another, and in going to and from the same, from and to any Part of the World, which the said Statutes, or Companies enjoy.

15A. "PLAN OF TREATIES," ADAMS' DRAFT, PCC No. 47. Articles of Confederation, With Plans and Drafts of Treaties and Other Miscellaneous Papers, 1775-84, pp. 120-135, RG 360. 12 1/2 x 8 in. In the hand of John Adams, a member of the Committee Appointed to Prepare a Plan of Treaties, with marginal notes indicating the sources he had consulted and the action of the Congress on each proposed Article. 6 pages and endorsement (page 129 illustrated). Endorsed Plan of Treaties.



**T**HERE shall be a firm, inviolable, and universal peace, and a true and sincere friendship between A. and B. and the subjects of A. and of B. and between the countries, islands, cities and towns situate under the jurisdiction of A. and of B. and the people and inhabitants thereof of every degree, without exception of persons or places; and the Terms herein after mentioned shall be perpetual between A. and B.

I. The subjects of A. shall pay no other duties or imposts in the ports, havens, roads, countries, islands, cities or towns of B. than the natives thereof or any commercial Companies established therein shall pay, but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade navigation and commerce, in passing from one part thereof to another, and in going to and from the same, from and to any part of the world, which the said natives or Companies enjoy.

II. The subjects of B. shall pay no other duties or imposts in the ports, havens, roads, countries, islands, cities or towns of A. than the natives thereof or any commercial Companies established therein; but shall enjoy all other the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce in passing from one part thereof to another, and in going to and from the same from and to any part of the world, which the said natives or Companies enjoy.

III. A. shall endeavour by all the means in his power to protect and defend all vessels and the effects belonging to the subjects and people of B. being in his ports, havens or roads, or on the seas, or near to his countries, islands, cities or towns, and to recover and restore to the right owners, their agents or attornies, all such vessels and effects which shall be taken within his jurisdiction; and his ships of war or any convoys sailing under his authority shall upon all occasions take under their protection all vessels belonging to the subjects or people of B. and holding the same course or going the same way, and shall defend such vessels so long as they hold the same course or go the same way against all attacks, force and violence, in the same manner as they ought to protect and defend vessels belonging to the subjects or people of A.

IV. In like manner B. and his ships of war, and convoys, sailing under his authority, shall protect and defend all vessels and effects belonging to the subjects or people of A. and endeavour to recover and restore them, if taken within his jurisdiction.

V. A. and B. shall not receive nor suffer to be received into any of their ports, havens, roads, countries, islands, cities or towns, any pirates or sea robbers, or afford or suffer any entertainment, assistance or provision to be afforded to them, but shall endeavour by all means that all pirates and sea robbers and their partners, sharers and abettors be found out, apprehended and suffer condign punishment; and all the vessels and effects piratically taken and brought into the ports or havens of A. or B. which can be found, altho' they be sold, shall be restored or satisfaction given therefor to the right owners, their agents or attornies demanding the same and making the right of property to appear by due proof.

VI. A. shall protect, defend and secure, as far as in his power the subjects or people of B. and their vessels and effects of every kind, against all attacks, assaults, violences, injuries, depredations or plunderings by or from the King or Emperor of Morocco or Fez, and the States of Algiers, Tunis and Tripoli, and any of them, and every other prince, state and power on the coast of Barbary in Africa, and the subjects of the said Kings, Emperors, &c. in as full a manner, &c.

VII. If, in consequence of this Treaty, the — of — should declare war against A. the said B. shall not assist — with men, money, ships, or any of the articles in this Treaty denominated contraband goods, ~~or in any other way~~. ~~Add if A. to favor the said B. shall join in the present war against —, A. shall not make a separate peace.~~

VIII. In case of any war between A. and —, A. shall never invade, nor attempt to invade or get possession for himself of —, nor any of the countries, cities or towns on the Continent of —, nor of the Islands of —, nor any other island lying near to the said Continent, in the seas, or in any gulph, bay, or river thereof, it being the true intent and meaning of this Treaty, that the said B. shall have the sole, exclusive, undivided and perpetual possession of all the countries, cities and towns on the said Continent, and of all islands near to it, whenever the same can be invaded and conquered by B. or shall in any manner submit to be confederated with B.

278  
Camp at Saratoga 18<sup>th</sup> Oct: 1777.

Sir

I have the Satisfaction to present  
Your Excellency with This Convention of Saratoga  
by which His Excellency Lieutenant General  
Burgoyne, has Surrendered Himself, & his whole  
Army into my Hands; & they are now upon  
Their March to Boston - This Signal, and  
Important Event, is the most Glorious, as it  
was Effected with so little Loss to the Army of  
The United States

I am Sir

Your Excellency  
most Obedient

Humble Servant

Horatio Gates

16. GENERAL GATES' ANNOUNCEMENT OF BURGOYNE'S SURRENDER  
AT SARATOGA, October 18, 1777. PCC No. 154. Letters from Maj. Gen.  
Horatio Gates, 1775-82, I: 270-279, RG 360. 12 $\frac{1}{4}$  x 7 $\frac{1}{8}$  in. Signed by  
General Gates with surrender terms enclosed. 2 pages (1 page and signature of  
letter illustrated). Letter endorsed N<sup>o</sup> 32 Letter from gen<sup>l</sup> Gates Saratoga Oct<sup>r</sup> 18.  
1777 with copy of convention (read the 31<sup>st</sup>). Surrender terms endorsed Copy  
Capitulation between M. Gen<sup>l</sup> Gates & L<sup>t</sup> Gen<sup>l</sup> Burgoyne Dated Saratoga  
Oct<sup>r</sup> 18<sup>th</sup> 1777.



## Treaty of Alliance

The most Christian King and the United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, having this day concluded a Treaty of Amity and Commerce for the reciprocal advantage of their Subjects and Citizens have thought it necessary to take into consideration the means of strengthening these engagements and of rendering them useful to the safety and tranquility of the two parties, particularly in case Great Britain in contempt of that Connection and of the good Providence which is the object of the said Treaty should break the Peace with France, either by direct hostilities, or by hindering her Commerce and Navigation, in a manner contrary to the Rights of Nations and the Liberties between the two Countries, and the said United States have resolved that in their own self interest and in the interest of their common Union they will observe the respective Obligations, and in answer to meet the French Conditions proper to fulfil the said

## Traité d'Alliance éventuelle et défensive

Le Roi Très Chrétien et les Etats-unis de l'Amerique Septentrionale, à savoir New-Hampshire, la Baye de Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Meridionale, et Georgia, ayant conclu ce jour d'aujourd'hui un Traité d'Amitié, de bonne intelligence et de Commerce, pour l'avantage réciproque de leurs Sujets, et Citoyens, ils ont cru devoir prendre en considération les moyens de renforcer leurs Engagemens, et de les rendre utiles à la sûreté et à la tranquillité des deux Parties, notamment en cas où la Grande Bretagne en haine de ses mêmes Sujets, et en mépris de la bonne correspondance qui seroit l'objet du dit Traité, viendroit à rompre le commerce avec la France, soit en l'attaquant par hostilités, soit en troublant sa Navigation, d'une manière contraire au droit des Nations, et au bien qui résulte de la Paix et de l'Union entre les deux Parties, ils ont résolu de se conformer aux Conditions propres à remplir les

Intentions, have, after the most mature Deliberation, concluded and determined on the following Articles.

Art. 1.

If War should break out between France and Great Britain, during the continuance of the present War between the United States and England, his Majesty and the said United States, shall make it a common cause and aid each other mutually with their good Offices, their Councils, and their forces, according to the exigence of Conjunctions as becomes good & faithful Allies.

Art. 2.

The essential and direct End of the present defensive Alliance is to maintain effectually the Liberty, Sovereignty, and independence absolute and unlimited of the said United States as well in the Acts of Government as of Commerce.

Art. 3.

The two contracting Parties shall each on its own side, and in the manner it may judge most proper make use of

et les dits Etats unis ayant résolu éventuellement d'aider, dans le cas prévu, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les Puissances respectives, chargées de concevoir les clauses et conditions propres à remplir leurs intentions, ont, après la plus mûre délibération, conclu et arrêté les points et articles qui s'ensuivent.

Article premier.

Si la guerre éclate entre la France et la Grande Bretagne, pendant la durée de la guerre actuelle entre les Etats unis et l'Angleterre, sa Majesté et les dits Etats-unis feront cause commune et s'entraideront mutuellement de leurs bons offices, de leurs conseils et de leurs forces selon l'exigence des conjonctures ainsi qu'il conviendra à de bons et fidèles Alliés.

Article second.

Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberté, la Souveraineté et l'indépendance absolue et illimitée des dits Etats unis, tant en matière politique que de commerce.

Article trois.

Les deux Parties contractantes feront chacune de leur côté, et de la manière qu'elles jugeront plus convenable d'employer

...ner if possible.  
In faith whereof the respective  
Ambassadors, Lawiers, and  
of the most Christian King  
Richard Gerard were joined  
of the City of Strasbourg  
of his Majesty's Council of the  
and on the part of the United  
States Benjamin Franklin  
Deputy to the General Congress  
from the State of Pennsylvania  
and President of the Convention  
of the same State, The Deane  
heretofore Deputy from the State  
of Connecticut & Arthur Lee Coun-  
sellor at Law have signed the  
above Articles both in the French  
and English Languages & saying  
Nevertheless that the present  
Treaty was originally composed  
and concluded in the French  
Language, and they have  
herunto affixed their Seals  
Done at Paris this Sixth Day of  
February one thousand seven hun-  
dred and seventy eight.  
B. Franklin

...six mois ou plutôt, de faire signer  
En foi de quoi les Plénipotentiaires  
respectifs, s'avoit de la part du Roi  
rien Chretien le P<sup>r</sup> (Conrad, Alexandre)  
Gerard et l'indie royal de la ville de  
Strasbourg et Secrétaire du Conseil d'Etat  
de Sa Majesté, et de la part des  
Etats unis les P<sup>rs</sup> Benjamin Franklin  
Deputé au Congrès général de la part  
de l'Etat de Pennsylvanie et Président  
de la Convention du même Etat, s'ilen  
Deane & devant Deputé de l'Etat de  
Connecticut et Arthur Lee. Conseillers  
ils ont signé les articles ci  
dessus, tant en langue française qu'en  
langue Angloise, déclarant néanmoins  
que le present traité a été originairement  
redigé et arrêté en langue française,  
et ils l'ont muni du cachet de leurs  
armes.

Fait à Paris le sixième jour du  
mois de Février l'an sept cent soixante  
et dix-huit.  
Arthur Lee



## A Plan of Confederation

On the same June day in 1776 when the Continental Congress appointed a committee to draft a declaration of independence and another to prepare a plan of treaties, it also decided to appoint a committee to implement the third part of the Lee Resolution, "to prepare and digest the form of a confederation to be entered into between these colonies."

This was not the first time confederation had been proposed in the Continental Congress. In the First Continental Congress, Joseph Galloway, a conservative merchant from Philadelphia desperately anxious to heal the breach between Great Britain and her colonies, proposed a plan of union which would have made a permanent institution of an American Congress and carefully defined its relationship to the British Parliament. Galloway's plan was rejected, and no record of it was entered in the Journal of the Congress.

Again in July 1775, a year before independence was declared, Benjamin Franklin outlined a plan of union. Although it was entitled "Articles of Confederation and Perpetual Union," it made a conciliatory gesture toward Great Britain in providing for a temporary confederation until Britain's differences with the American colonies were reconciled. Only if reconciliation failed would confederation become permanent. The plan for a confederacy, to be called the United Colonies of North America, would have established an elected assembly with power to declare war, form alliances, appoint ambassadors, control the armed forces, settle intercolonial disputes, and deal with general questions of trade. Expenses would have been met from a common treasury, supplied by funds from the Colonies, whose legislatures would have had the sole right to levy taxes. Congress, however, was not yet ready for any plan of confederation and Franklin's scheme was forgotten for nearly a year.

Once independence was under serious consideration, however, a committee made up of one member from each of the Thirteen Colonies was named to determine the form of a confederation. John Dickinson, who dominated the committee, had become famous in 1768 as the writer of *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies* protesting the taxes imposed by the Townshend Acts on the grounds that Parliament had no authority to tax the colonies in any way. In 1776 he was a delegate from Delaware.

The Dickinson Draft of the Articles of Con-

federation (document 18) was ready for consideration on July 12. Article I stated:

The name of this Confederacy shall be "The United States of America."

It provided for a Congress in which each State was represented in proportion to its population, but the smaller States were strongly opposed to this system. There was also vigorous resistance to the clause of the Dickinson Draft which would have assigned to the national government all powers not specifically reserved to the States. Having just declared themselves independent of a distant centralized control by King and Parliament, the new States were not yet ready to create a strong central government in America.

It was not until July 9, 1778, that the final form of the Articles of Confederation was accepted and an engrossed copy (document 19) was prepared for signature by the delegates. Eight States had instructed their delegates to sign the Articles by that day; on February 22, 1779, when Delaware's delegates signed, all the States but Maryland had ratified the agreement for confederation.

Sometimes called "the first constitution of the United States," the Articles of Confederation were in many ways more like a treaty among a group of small nations than a true frame of government. Each State expressly retained

its sovereignty, freedom and independence, and every Power, Jurisdiction and right, . . . not by this confederation expressly delegated to the United States, in Congress assembled.

Every State had one vote in Congress, regardless of its geographic area or population. Congress was legally given the powers it had been exercising during its existence since 1775: the "United States in Congress assembled" could make war and peace, send and receive ambassadors, enter into treaties and alliances, coin money, regulate Indian affairs, and establish a post office. It could not levy taxes or regulate commerce. There was no national executive and no system of national courts. The Articles could be amended only by unanimous vote, and the Confederation was not to come into being until all 13 States had ratified.

Maryland's ratification was withheld until February 2, 1781. A small State cut off from expansion to the West by the territory of Virginia and Pennsylvania, Maryland was apprehensive about joining a confederation in which some States claimed land extending to the Mississippi River, or even to the Pacific. Gradually, other States bowed to Maryland's insistence. In 1780, New York ceded her western land claims to the United States, and Congress in accepting them passed a very important

Articles of Confederation and  
perpetual Union between the  
<sup>States</sup> Colonies of New Hampshire &  
at Philadelphia the  
day of ~~the~~ <sup>17th</sup>

Art. 1<sup>st</sup> The Name of this Confederacy  
shall be "The United States  
of America."

Art. 2<sup>nd</sup> The said <sup>States</sup> Colonies, united themselves  
was never to be divided by any dis-  
tribution, and hereby specially  
enter into a firm League of Friendship  
with each other, for their common  
Defence, the Security of their  
Liberty, and their mutual and  
general welfare, binding <sup>themselves</sup>  
each Colonist to assist one another against  
all Force offered to or Attacks made  
upon them or any of them, on  
Account of Religion, Sovereignty,  
Trade, or any other Pretence whatever

It should not be first Article provide  
for a Federation and not a Confederation  
as after the made

2<sup>nd</sup> The property of the United States  
shall be held in common to be  
disposed of for the good of the

Art. 3<sup>rd</sup> Each <sup>State</sup> Colony shall retain and enjoy  
the sole and exclusive Right  
of sending and receiving Ambassadors,  
consuls, and other public Ministers,  
and also to enter into all Treaties,  
alliances, and Confederations  
with foreign Powers, and to  
make War, Peace, and Truces,  
and to conclude all other Affairs  
of State, in all Matters that  
shall not interfere with the Articles  
of this Confederation

in the handwriting of  
W. J. Dickinson  
The com<sup>rs</sup> M<sup>r</sup> Bartlet  
M<sup>r</sup> S. Adams  
M<sup>r</sup> Hopkins  
M<sup>r</sup> Sherman  
M<sup>r</sup> R. R. Livingston  
M<sup>r</sup> Dickinson  
M<sup>r</sup> Kean  
M<sup>r</sup> Stone  
M<sup>r</sup> Nelson  
M<sup>r</sup> Hecks  
M<sup>r</sup> E. Rutledge  
M<sup>r</sup> Gummert  
17th June 1776  
Delivered July 12 1776



# Go all to whom

these Presents shall come, we the under signed Delegates of the States  
affixed to our Names send greeting. Whereas the Delegates of the  
United States of America in Congress assembled did on the fifteenth day  
of November in the Year of our Lord One Thousand Seven Hundred and  
Seventy seven, and in the second Year of the Independence of America  
agree to certain articles of Confederation and perpetual Union between the  
States of New Hampshire, Massachusetts Bay, Rhode Island and Providence  
Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware,  
Maryland, Virginia, North Carolina, South Carolina and Georgia  
in the Words following, viz: Articles of Confederation and perpetual  
Union between the States of New Hampshire, Massachusetts Bay, Rhode Island  
and Providence Plantations, Connecticut, New York, New Jersey, Pennsyl-  
vania, Delaware, Maryland, Virginia, North Carolina, South Carolina  
and Georgia.

Article I. The Name of this confederacy shall be "The  
United States of America."

Article II. Each state retains its sovereignty, freedom and  
independence, and every Power, Jurisdiction and right, which is not by  
this confederation expressly delegated to the United States, in Congress  
assembled.

Article III. The said states hereby severally enter into a firm  
league of friendship with each other, for their common defence, the security  
of their Liberties, and their mutual and general welfare, binding them-  
selves to assist each other, against all force offered to, or attacks made upon  
them, or any of them, on account of religion, sovereignty, trade, or any other  
pretence whatever.

Article IV. The better to secure and perpetuate mutual friendship  
and intercourse among the people of the different states in this union, the  
free inhabitants of each of these states, paupers, vagabonds and fugitives  
from Justice excepted, shall be entitled to all privileges and immunities of  
free citizens in the several states; and the people of each state shall have  
free ingress and regress to and from any other state, and shall enjoy therein  
all the privileges of trade and commerce, subject to the same duties, im-  
positions and restrictions as the inhabitants thereof respectively, provided

19. THE ENGROSSED ARTICLES OF CONFEDERATION, July 9, 1778,  
PCC No. 47, RG 360. 23 1/2 x 15 1/8 in. Document eventually signed by delegates  
from 13 States. Parchment sheets stitched together and fastened to a wooden roller.  
6 pages. (parts of pages 1 and 6 illustrated). Endorsed "Act of Confederation of  
The United States of America"

any alteration or change hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said article of confederation and perpetual union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and singular the matters and things therein contained: And we do solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which by the said confederation are submitted to them.

And that the articles thereof shall be inviolably observed by the States we respectively represent; and that the union shall be perpetual. Done at Philadelphia in the State of Pennsylvania the ninth Day of July in the Year of our Lord one thousand seven hundred and Seventy-eight, and in the third year of the Independence of America.

In the part to be held  
of the  
State of Delaware

Geo. Mifflin  
John Dickinson  
Nicholas B. Dyke

In the part to be held  
behalf of the  
State of  
Maryland

John Carroll  
Samuel Chase

In the part to be held  
behalf of  
the State of  
Virginia

Richard Henry Lee  
James Bannister  
Thomas Arden  
Jno. Starke  
Francis Lightfoot Lee

In the part to be held  
behalf of the  
State of  
New Hampshire

John

Josiah Bartlett  
John Wentworth

In the part to be held  
of the State of  
New Hampshire

Samuel Adams

In the part to be held  
of the State of  
Massachusetts

Samuel Adams  
John Hancock  
James Otis  
James Lovell  
Francis Mather

In the part to be held  
of the State of  
Massachusetts  
John Hancock  
James Otis  
James Lovell  
Francis Mather

resolution (document 20). Rejecting a colonial system for lands to be acquired by the United States, it declared that these lands

shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States which shall become members of the federal Union and have the same rights of Sovereignty freedom and independence as the other states.

Only after Virginia ceded her claims on January 2, 1781, was Maryland willing to ratify the Articles of Confederation. At last the Second Continental Congress ended its long extra-legal status and became the Congress of the Confederation.



1780
Oct: 10

*Resolved That the unappropriated lands that may be ceded or relinquished to the united States by any particular States pursuant to the recommendation of Congress of the 6 day of September last shall be disposed of for the common benefit of the united States and be settled and formed into distinct republican States which shall become members of the federal Union and have the same rights of sovereignty freedom and independence as the other states.*

20. RESOLUTION FOR EQUAL STATEHOOD FOR ACQUIRED TERRITORY, October 10, 1780, PCC No. 1, XXIX (unpaged), RG 360. 12 7/8 x 8 in. 2 pages (excerpt illustrated).

## Victory and Independence

Although the independence of the United States had been recognized by France and the Netherlands when they entered into commercial treaties with the new republic in 1778 and 1782, it still had to be won by military victory and treaty from England. Only after Great Britain conceded the independence of her former colonies would the United States of America be admitted to the family of nations by most of the other governments of the world.

In October 1781 the Americans enjoyed the rare good fortune of having enough men, supplies, and naval power in the right place at the right time. The British had attempted to separate the southern from the northern States. After a costly victory at Guilford Court House Lord Cornwallis concen-

trated his forces at Yorktown, where he hoped to receive reinforcements and supplies from the British fleet. The timely arrival of Admiral de Grasse with the French fleet in Chesapeake Bay, however, dashed this hope. Meanwhile, General Washington had moved his own troops rapidly southward to join other forces near Yorktown. Helpless under the combined land siege and sea blockade, Cornwallis on October 17 agreed to capitulate. In his letter announcing the surrender, Washington wrote:

I have the Honor to inform Congress, that a Reduction of the British Army under the Command of Lord Cornwallis, is most happily effected—The unremitting Ardor which actuated every Officer & Soldier in the combined Army on this Occasion, has principally led to this Important Event,—at an earlier period than my most sanguine Hopes had induced me to expect....

On the 17<sup>th</sup> instant, a Letter was received from Lord Cornwallis, proposing a Meeting of Commissioners, to consult on Terms for the Surrender of the Ports



Head Quarters near York 19<sup>th</sup> Oct 1781.

Sir

289

I have the Honor to inform Congress, that a Reduction of the British Army under the Command of Lord Cornwallis, is most happily effected. — The unremitting Labor which actuated every Officer & Soldier in the combined Army on this Occasion, has principally led to this Important Event, — at an earlier period than my most sanguine Hopes had induced me to expect. —

The singular Spirit of Emulation, which animated the whole Army from the first Commencement of our Operations, has filled my Mind with the highest pleasure & Satisfaction — and has given me the happiest Messages of Success. —

In the 17<sup>th</sup> instant, a Letter was received from Lord Cornwallis, proposing a Meeting of Commissioners, to consult on Terms for the Surrender of the Ports of York & Gloucester. — This Letter, the first which had passed between us, opened a Correspondence, — a copy of which I do myself the Honor to enclose, that Correspondence was followed by the definitive Capitulation, which was agreed to, & signed on the 19<sup>th</sup> of Oct of which I enclose a copy transmitted to you.

21. WASHINGTON'S ANNOUNCEMENT OF VICTORY AT YORKTOWN, October 19, 1781, PCC No. 152, X 289-292, RG 360 12 1/2 x 8 in. Letter signed by Washington 4 pages (page 1 illustrated) Endorsed Ent<sup>d</sup> Page 5. Letter from Gen<sup>l</sup> Washington October 19<sup>th</sup> 1781 read 24<sup>th</sup> Reduction of y<sup>e</sup> British Army under y<sup>e</sup> Command of Lord Cornwallis referred to M<sup>r</sup> Randolph M<sup>r</sup> Boudinot M<sup>r</sup> Barmon M<sup>r</sup> Carroll

3 Sept. 1783

Duplicate

In the Name of the most  
Holy and undivided Trinity:

It having pleased the Divine Providence to dispose  
the Hearts of the most Serene and most potent Prince George  
the Third, by the Grace of God, King of Great Britain, France  
and Ireland, Defender of the Faith, Duke of Brunswick and  
Luneburg, Arch Treasurer and Prince Elector of the Holy Roman  
Empire &c. And of the United States of America, to forget  
all past Misunderstandings and Differences that have unhapp-  
ily interrupted the good Correspondence and Friendship which  
they mutually wish to restore, and to establish such a beneficial  
and satisfactory Interourse, between the two Countries upon  
the Ground of Reciprocal Advantages and mutual Convenience  
as may promote and secure to both perpetual Peace & Harmony  
and having for this desirable End already laid the Foundation  
of Peace and Reconciliation, by the Provisional Articles agreed  
at Paris on the 30.<sup>th</sup> of November 1782, by the Commissioners  
empowered on each Part, which Articles were agreed to be  
inserted in and to constitute the Treaty of Peace proposed  
to be concluded between the Crown of Great Britain &

## Article 10.

The solemn Ratifications of the present Treaty expedited in good and due Form shall be exchanged between the contracting Parties in the Space of six Months or sooner, if possible, to be computed from the Day of the Signature of the Present Treaty. In Witness whereof We the undersigned, their ministers Plenipotentiary have in their Name and in Virtue of our full Powers, signed with our Hands the present Definitive Treaty, and caused the Seals of our Arms to be affixed thereto.

Done at Paris, this third Day of September  
In the Year of our Lord, one thousand, seven hundred  
and Eighty three.

T. Hartley

John Adams.

B. Franklin

John Jay

of York & Gloucester—This Letter, (the first which had passed between us) opened a Correspondence,—a Copy of which I do myself the Honor to inclose, that Correspondence was followed by the Definitive Capitulation, which was agreed to, & signed on the 19th Copy of which is also herewith transmitted—and which I hope, will meet the Approbation of Congress.

I should be wanting in the feelings of Gratitude, did I not mention on this Occasion, with the warmest Sense of Acknowledgments, the very chearfull & able Assistance, which I have received in the Course of our Operations, from his Excellency the Count de Rochambeau, and all his Officers of every Rank, in their respective Capacities.—Nothing could equal this Zeal of our Allies, but the emulating Spirit of the American Officers, whose Ardor would not suffer their Exertions to be exceeded. (Document 21.)

The surrender of Cornwallis and British military reverses elsewhere led to the fall of the British Ministry, and in March 1782 the way was open for peace negotiations. Although Congress appointed a five-man commission to go to Paris for this purpose, the principal peacemakers were Benjamin Franklin, John Adams, and John Jay. The other two appointees were Thomas Jefferson, who was unable to leave the United States, and Henry Laurens of South Carolina, who was not released from the Tower of London where he was a British prisoner in time to play a very significant role in the negotiations.

Preliminary articles of peace were signed in November 1782, and in September of the following year the final treaty was signed at Paris. What is known as the American Revolution was in reality a world war involving not only England, the United States and its ally France, but also Spain and the

Netherlands. On the same day that the Treaty of Paris (document 22) was signed between England and the United States, treaties were also signed between England and each of the other belligerents. The whole group of treaties formed the Peace of Paris of 1783.

The most important article of the Treaty of Paris was the first one:

His Britannic Majesty acknowledges the said United States . . . to be free Sovereign & independant States. . . .

In addition, it provided that the territory of the United States should extend westward to the Mississippi River, southward to Florida, and northward to an ill-defined river and lakes boundary with Canada. Two other articles were of vital interest to Americans:

Article 3<sup>d</sup> It is agreed that the People of the United States shall continue to enjoy unmolested the Right to take Fish of every Kind on the Grand Bank, and on all the other Banks of Newfoundland, also in the Gulph of Saint Lawrence and at all other Places in the Sea, where the Inhabitants of both Countries used at any time heretofore to fish. . . .

Article 8<sup>th</sup> The Navigation of the River Mississippi . . . shall for ever remain free and open to the Subjects of Great Britain and the Citizens of the United States.

The treaty was signed by David Hartley for Great Britain and by Adams, Franklin, and Jay for the United States.

With the ratification of the Treaty of Paris by Congress on January 14, 1784, American independence was confirmed.





*Skippet containing the seal of Great Britain affixed to the Treaty of Paris of 1783 (Exchange Copy).*

## *"...a more perfect union..."*

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### *The United States as a Confederation*

Bound together in the loose union provided by the Articles of Confederation, the United States struggled through seven years (1781-88) that have been called both a "critical period," because of the myriad problems which needed solution, and a "creative period," because of the number of problems which were at least partially solved. Many of the difficulties might have been experienced by any new nation in the process of establishing its identity among the nations of the world and its authority over its own people. But more and more American leaders came to blame every setback on the weakness of the confederation form of the government. The movement to strengthen the national government which culminated in the drafting of the Constitution of the United States was in actual fact a search for "a more perfect union."

### *Providing for the Public Domain*

The United States in 1784 contained about a million square miles of land and slightly over three million people, not including Indians, whose numbers few tried to guess. To most citizens of the new Confederation, the future seemed as limitless and inviting as the vast empty wilderness awaiting settlement. It was therefore imperative that the Confederation Congress move quickly to enact a system of survey and government for the western land which now belonged to the Nation, since the States had surrendered their conflicting claims.

A committee composed of Thomas Jefferson, Jeremiah Townley Chase of Maryland, and David Howell of Rhode Island was given the task of proposing a "Plan for the Temporary Government of the Western Country" (document 23), which was presented to Congress on March 4, 1784. Reflecting Jefferson's ideas, it named and set specific boundaries for 10 States to be established northwest of the Ohio River, and provided that as settlers moved



into each State, they should immediately set up their own government, patterning it after the constitution and laws of any one of the original 13 States. When the population reached 20,000 they were to hold a constitutional convention to create a permanent government and send a delegate to Congress. Once the State had a population equal to that of the smallest of the original 13 States, "such State shall be admitted by it's [sic] delegates into the Congress of the United States on an equal footing with the said original states. . . ."

The plan further provided:

4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title. 5. That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

Jefferson's proposal was finally adopted with some revisions and without the prohibitions against slavery and hereditary titles. Although no territorial governments were set up under it, this law attested to the good faith of the Confederation Congress in carrying out its 1780 pledge not to create from its public domain colonies which would forever remain subservient to the original 13 States of the Union.

Despite this measure and the Land Ordinance of 1785, which provided for survey of the public domain prior to sale, problems continued in the Northwest Territory. The British and their Indian allies refused to make way for American settlers. Squatters, impatient of ordinances passed by a distant Congress, moved onto the land and defended their illegal holdings against Indians and the Government forces alike. Meanwhile, pressure mounted to put the lands on sale. The Government needed revenue, Revolutionary veterans were eager to collect promised land bounties, and speculators formed into land companies and clamored for action.

Early in 1786, it was reported in Congress that the division of the "western Country" into States as provided by the Ordinance of 1784 was not "in any degree practicable." If the Ordinance remained in effect, many of the States, whose boundaries had been set with little knowledge of the topography of the area, would "not soon, if ever, have a sufficient number of Inhabitants to form a government; the consequence of which must be that they will continue without laws, and without order. . . ." At last, in July of 1787, the Confederation Congress repealed the Ordinance of 1784 and enacted "an Ordinance for the Government of the Territory of the United States, North-West of the River Ohio," more frequently referred to as the Northwest

Ordinance of 1787 (document 24).

It provided for a territorial period during which the government should be under a governor, a secretary, and three judges, all to be appointed by Congress. Local control would begin gradually with the election of an assembly as population increased, and eventual statehood was still in prospect. Then in six articles it guaranteed certain rights, some of which were later guaranteed by the Constitution and the Bill of Rights. Among these were religious freedom, the benefit of the writ of habeas corpus, and trial by jury. Education was encouraged and it was declared:

There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted. . . .



## Other Problems of the Confederation

Having shown creative statesmanship of a high order in its provision for the distribution and government of the public domain, the Congress of the Confederation was unable to deal with some of the other problems of the new nation. Although Congress alone had power to coin money, any state could issue paper bills; when several did so, businessmen complained that the currency was in chaos. Congress could only request financial support from the States; there was no way it could coerce them.

Little could be done about the States which moved slowly to fulfill the terms of the Treaty of Paris in regard to the property of Americans who had remained loyal to England during the Revolution, or to debts owed by Americans to British creditors. It was partially in retaliation that the British continued to occupy seven forts in the Northwest Territory which had been ceded to the United States in 1783.

In other foreign affairs, Spain refused to accept the Florida boundary and the provision for free navigation of the Mississippi River provided for in the Treaty of Paris, and although Prussia concluded a commercial treaty with the United States in 1785, many European nations expected the United States to disintegrate as a nation.

Finally, the unanimous vote of the States required to amend the Articles was unobtainable.





Provided that both the temporary & permanent governments be established on these principles as ~~the documents~~ that they shall for ever remain a part of the United States of America. 2. that in their persons, property & territory they shall be subject to the government of the United States in Congress assembled, and to the articles of confederation in all those cases in which the original states shall be so subject. 3. that they shall be subject to pay a part of the federal debts contracted or to be contracted to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other states. 4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title. 5. That after the year 1800 of the Christian aera, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whenever any of the said states shall have of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original states, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states, after which the assent of ~~the United States in Congress assembled~~ shall be requisite in all those cases, wherein by the Confederation the assent of nine states is now required. provided the consent of nine states to such admission may be obtained according to the seventh of the articles of Confederation. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting.

23. A PLAN FOR THE GOVERNMENT OF THE WESTERN COUNTRY, March 1, 1784, PCC No. 30, F. 49-51, RG 360. Pages 49, 50. 8 1/2 x 7 in. Page 51 8 1/4 x 7 1/8 in. 3 pages (pages 50 and 51 illustrated). In the hand of Thomas Jefferson. 3 pages (pp. 2 and 3 illustrated). Endorsed: Report M<sup>r</sup> Jefferson M<sup>r</sup> Chase/M<sup>r</sup> Howell/Temporary governm<sup>t</sup>/of western Country/Delivered 1 March 1784/Ent<sup>d</sup>. Read./March 3./Monday next assigned for the consideration of this report March 7. 1784/recommitted

57

That the territory Northward of the 45<sup>th</sup> degree, that is to say, of the com-  
-pletion of 45° from the Equator, <sup>extending to the Lake of the Woods</sup> & ~~Westward of Lake Superior~~, shall be called **Sylvania**:

That of the territory under the 45<sup>th</sup> & 44<sup>th</sup> degrees that which lies Westward  
of Lake Michigan shall be called **Michigania**, and that which is Eastward thereof  
<sup>within the peninsula formed</sup> ~~and nearly enclosed~~ by the lakes & waters of Michigan, Huron, St. Clair and  
Erie, shall be called **Cherronesus**, and shall include any part of the pe-  
-ninsula which may extend above the 45<sup>th</sup> degree.

Of the territory under the 43<sup>rd</sup> & 42<sup>rd</sup> degrees, that to the Westward thro'  
which the Assenisipi or Rock river runs shall be called **Assenisipia**,  
and that to the Eastward in which are the fountains of the Muskingum, the  
two Miamis of Ohio, the ~~Wabash~~, the Illinois, the Miami of the lake and  
Sandwich rivers, shall be called **Metopotamia**.

Of the territory which lies under the 41<sup>st</sup> & 40<sup>th</sup> degrees, the Western,  
thro' which the river Illinois runs, shall be called **Illinoia**; that next  
adjoining to the Eastward ~~of it~~, and that between this East & Pennsylvania  
boundary from the Ohio to Lake Erie, shall be called **Washington**.

Of the territory which lies under the 39<sup>th</sup> & 38<sup>th</sup> degrees to which shall  
be added ~~to which~~ of the part of land within the fork of the Ohio & Missisipi  
as lies under the 37<sup>th</sup> degree; that to the Westward within & adjacent to which  
are the confluences of the rivers Wabash, Shawanee, Tanissee, Ohio, Illinois,  
Missisipi & Missouri, shall be called **Polytania**, and that to the  
Eastward farther up the Ohio, otherwise called the Pelisipi shall be cal-  
-led **Pelisipia**.

That the preceding articles shall be joined into a Charter of Compact  
shall be duly executed by the President of the U. S. in Congress assembled  
under his hand & the seal of the United States, shall be promulgated,  
and shall stand as fundamental constitution between the thirteen origi-  
-nal states, & those now newly described, unalterable but by the <sup>assent of</sup> consent of  
the U. S. in Congress assembled and of the particular state within which such  
alteration is proposed to be made.

# AN ORDINANCE for the GOVERNMENT of the TERRITORY of the UNITED STATES, North-West of the RIVER OHIO.

**BE IT ORDAINED** by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them; And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. — And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses; — and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same:—Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of re-

representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And in extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which for ever hereafter shall be formed in the said territory;--to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

*Article the First.* No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

*Article the Second.* The inhabitants of the said territory shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same;— and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

*Article the Third.* Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them; and for preserving peace and friendship with them.

*Article the Fourth.* The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted; and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost or duty therefor.

*Article the Fifth.* There shall be formed in the said territory, not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincent's due north to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line. Provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan; and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states, in all respects whatever; and shall be at liberty to form a permanent constitution and state government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

*Article the Sixth.* There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, that any person escaping from the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

DONE by the UNITED STATES in CONGRESS assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

*John Hancock*



## Movement to Strengthen the National Government

One of the most vexing problems of the Confederation arose from the inability of the Confederation Congress to regulate interstate commerce. Where there was a disagreement between two States about trade, they had to negotiate the matter much as two nations might have done.

When Virginia and Maryland had successfully settled their dispute over navigation and commerce on Chesapeake Bay through an interstate agreement at a meeting at Mt. Vernon, the Virginia Legislature in 1786 proposed a convention to consider commercial regulations among all the States. The response was favorable and a meeting of State commissioners was held at Annapolis in September 1786. At this meeting delegates from only five States appeared, although nine had named commissioners. Nevertheless, in an unanimous report (document 25), the Annapolis Convention recommended "To the Honorable, the Legislatures of Virginia, Delaware[,] Pennsylvania, New Jersey, and New York that

... it may essentially tend to advance the interests of the union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States, in the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the constitution of the Fœderal Government adequate to the exigencies of the Union; and to report such an Act for that purpose to the United States in Congress Assembled, as when agreed to, by them, and afterwards confirmed by the Legislatures of every State, will effectually provide for the same.

Congress received the report of the Annapolis Convention coldly and took no action on the recommendation of the commissioners. Virginia, however, acted favorably on the proposal; it selected delegates and asked the concurrence of the other States. By February 1787 several States had concurred with Virginia. Their action helped to change Congressional sentiment, as did the influence of Thomas Jefferson's friend, James Madison, and George Washington's young former aide-de-camp, Alexander Hamilton of New York. Both had served as delegates in the Confederation Congress, and believed that the national government must be given more power if the nation was to survive.

On February 21, 1787, the Confederation Congress passed a resolution which, while making no

mention of the Annapolis Convention, called for a convention of delegates of the States in Philadelphia in May:

Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the Assent of a Congress of the United States and of the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these states a firm national government

Resolved that in the Opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal constitution adequate to the exigencies of Government & the preservation of the Union. (Document 26.)



## The Constitutional Convention

The convention that was called to amend the Articles of Confederation but that was actually to write the Constitution of the United States was often called the "Fœderal Convention" in contemporary newspapers. After it convened in the State House in Philadelphia on May 14, 1787, delegates continued to arrive slowly, and by the end of July 12 States were represented. Rhode Island refused to participate.

Many of the delegates had served in the Confederation Congress. Benjamin Franklin was there, at 81 the oldest member of the Convention. Roger Sherman, the only man who signed the Declaration of Independence, the Articles of Confederation, and later the Constitution, was a delegate from Connecticut. John Dickinson, who had tried to push through a stronger constitution in 1776 when he offered his draft of the Articles of Confederation, represented Delaware. And George Washington was elected President of the Convention.

on the subject they have been induced to think that the power of regulating trade is of such comprehensive extent and ought enter so far into the general system of the federal government that to give it efficiency and to obviate questions and doubts concerning its proper nature and limits may require a correspondent adjustment of other parts of the Federal system.

That there are important defects in the system of the Federal government is acknowledged by the Act of all those States which have concurred in the present Meeting. That the defects upon a closer examination may be found greater and more numerous than even these acts imply is at least as far probable from the embarrassments which characterize the present state of our national affairs foreign and domestic as may reasonably be supposed to merit a deliberate and candid discussion in some mode which will unite the sentiments and furnish to the States. In the choice of the mode your Commissioners are of opinion that a Convention of Deputies from the different States for the special and sole purpose of entering into this investigation and digesting a plan for supplying such defects as may be discovered to exist will be entitled to a preference from consideration which will occur without being particularised.

Your Commissioners decline an enumeration of those national considerations on which their opinion respecting the propriety of a future Convention with more enlarged powers is founded; as it would be an useless intrusion of facts and observations most of which have <sup>frequently</sup> been the subject of public discussion and some of which can have escaped the penetration of those to whom they would in this instance be addressed. They are however of a nature so various as in the view of your Commissioners to render the situation of the United States delicate and critical calling for an exertion of the united virtues and wisdom of the members of the Confederacy.

Under this impression Your Commissioners with the most respectful deference beg leave to suggest their unanimous conviction that it may effectually tend to advance the interests of the Union, if the States by whom they have been respectively delegated would themselves concur and use their endeavours to procure the concurrence of the other States in the appointment of Commissioners to meet at Philadelphia on a second Monday in May next to take into consideration the situation of the United States to devise such further provisions as shall appear to them

25. REPORT OF THE ANNAPOLIS CONVENTION, September 14, 1786. Papers of the Constitutional Convention, RG 36. 15 1/2 x 10 in. Signed by delegates from five states. 5 pages (pages 4 and 5 illustrated). Endorsed: Report of the Commissioners at Annapolis, September 14, 1786. Report of the Commissioners of N York N Jersey Pennsylvania Delaware and Virginia at Annapolis N<sup>o</sup> 51

necessary to render the constitution of the Federal Government adequate to the exigencies of the Union, and to report such an act for that purpose to the United States in Congress assembled, as when agreed to, by them and afterwards confirmed by the legislatures of every State will effectually provide for the same.

Though your Commissioners could not with propriety address these observations and sentiments to any but the States they have the honor to Represent they have nevertheless concluded from motives of respect, to transmit Copies of this report to the United States in Congress assembled, and to the executives of the other States.

By order of the Commissioners

Dated at Annapolis  
September 14th. 1780 }

Resolved that the Chairman sign the foregoing Report in behalf of the Commissioners,

When adjourned without day —

Wm. F. B. Smith

George Washington

New York

Abra. Clark

(Wm. H. Stoll)

Dr. Phureman

New Jersey

George Washington

Pennsylvania

John H. Smith

John H. Smith

Delaware

Richard B. Smith

Edmund Randolph

Virginia

George Tucker



Whereas there is provision in the Articles of Confederation of perpetual Union for making alterations therein by the assent of a Congress of the United States and of the Legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their delegates in Congress have suggested a Convention for the purposes expressed in the following resolution and such Convention appearing to be the most probable mean of establishing in these States a firm national government

Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several States be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and

1787  
Feb 21

provision therein as shall when agreed to in Congress and confirmed by the States under the federal Constitution adequate to the exigencies of Government & the preservation of the Union

Two familiar names were not on the list of members: John Adams was representing his country in London, and Thomas Jefferson had replaced Franklin as the American Minister to France. But both were very interested in the outcome.



## The Great Compromise

By May 29, the Convention had adopted rules of order and procedure, and agreed to keep its proceedings secret.

Edmund Randolph of Virginia then submitted for the consideration of the Convention the Virginia Plan. This proposal, consisting of 15 suggestions for the amendment of the Articles of Confederation, had been prepared by the Virginia delegation under the thoughtful leadership of James Madison.

For the next two weeks the Convention, meeting as a Committee of the Whole, discussed and amended this plan. When the Committee reported to the Convention the amended plan in the form of 19 resolutions, it was obvious that, rather than amending the Articles, the Convention would draft an entirely new frame of government. Although it underwent a number of modifications, the Virginia Plan formed the basis of the finished Constitution. Among the resolutions proposed by the Committee were the following:

1. Resolved that it is the opinion of this Committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.

2. Resolved that the national Legislature ought to consist of Two Branches.

3. Resolved that the Members of the first branch of the national Legislature ought to be elected by the People of the several States. . . .

4. Resolved. that the Members of the Second Branch of the national Legislature ought to be chosen by the individual Legislatures. . . .

9. Resolved. that a national Executive be instituted to consist of a Single Person. . . .

11. Resolved. that a national Judiciary be established to consist of One supreme Tribunal. . . .

12. Resolved. That the national Legislature be empowered to appoint inferior Tribunals. (Document 27.)

Members of both "branches" of the "national Legislature" were "to be paid out of the National Treasury" instead of by the States, an important

step in making a member of Congress part of the National rather than the State Government.

To delegates from the small States there were features of the revised Virginia Plan which were very disturbing, and, their numbers augmented by some late arrivals, they countered with their own plan on June 15. William Paterson of New Jersey laid before the convention an alternate proposal which more nearly approached the revision of the Articles of Confederation which the delegates had been instructed to undertake. It provided for a single-house Congress with equal representation for all states. Although the New Jersey Plan as a whole was defeated by a vote of 7 States to 3 on June 19, in the clause-by-clause consideration of the Virginia Plan, the small States picked up enough support on July 2 to deadlock the convention, 5 to 5, on the proposal to base representation in both houses of Congress on population.

For two discouraging weeks in the sweltering heat of July in Philadelphia, the delegates struggled to find a way out of the impasse. John Dickinson had already suggested that one house of the "legislative branch" could represent population and the other the States. Finally, on July 16 a group of resolutions dealing with representation was adopted (document 28), and the deadlock was broken. During the remainder of the long summer other matters had to be thrashed out among delegates with opposing views, but this was the Great Compromise without which the Constitution might not have been adopted: an upper house in which the States were equally represented, a lower house with representation based upon population as enumerated in a decennial census, and all money bills originating in the lower house.

On August 6 the Committee of Detail presented to the Convention the first printed draft of the Constitution (document 29). The preamble began, "We the People of the States of New-Hampshire, Massachusetts . . . and Georgia." The Committee of Style and Arrangement, which reported on September 12, made one striking change. The preamble read:

We, the People of the United States, in order to form a more perfect union, to establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

With a few alterations the September 12 version was ordered to be engrossed on September 15. On the following Monday, September 17, one additional change was made in the engrossed copy and the Constitution adopted "by the Unanimous Consent of the States present" was ready to be signed.



State of the resolutions submitted to the consideration of the House by the honorable Mr. Randolph, as altered, amended, and agreed to in a committee of the whole House.

1. Resolved that it is the opinion of this Committee that a national government ought to be established consisting of a Supreme Legislative, Judiciary, and Executive.

2. Resolved that the national legislature ought to consist of Two Branches.

3. Resolved that the members of the first branch of the national legislature ought to be elected by the People of the several States for the term of Three years.

to receive fixed Stipends, by which they may be compensated for the devotion of their time to public service

to be paid out of the National Treasury.

to be ineligible to any Office established by a particular State or under the authority of the United States (except those peculiarly belonging to the functions of the first branch) during the term of service, and under the national government for the space of one year after its expiration.

4. Resolved that the members of the second branch of the national legislature ought to be chosen by the individual legislatures.

to be of the age of thirty years at least

to hold their Offices for a term sufficient to ensure their independency, namely

Seven years.

to receive fixed Stipends, by which they may be compensated for the devotion of their time to public service - to be paid out of the National Treasury

to be ineligible to any Office established by a particular State, or under the authority of the United States (except those peculiarly belonging to the functions of the second branch) during the term of service, and under the national government, for the space of One year after its expiration.

27. THE VIRGINIA PLAN AS AMENDED IN THE PHILADELPHIA CONVENTION, June 13, 1787, Papers of the Constitutional Convention, RG 360, 12 1/2 x 8 in., 4 pages (pages 1 and 2 illustrated). Endorsed (in Timothy Pickering's hand). Received this sheet from the President of the United States, with the journals of the General Convention, March 19<sup>th</sup> 1796. Timothy Pickering Sec<sup>y</sup> of State. No. 2 State of the Resolutions submitted by Mr. Randolph to the Consideration of the House, as altered, amended & agreed to in a Committee of the whole House. Received from the President of the U. States, March 19, 1796, by Timothy Pickering Sec<sup>y</sup> of State.

5. Resolved. That each branch ought to possess the right of original acts

6. Resolved. That the national Legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation - and moreover to legislate in all cases to which the separate States are incompetent: or in which the harmony of the United States may be interrupted by the exercise of individual legislation. To negative all laws passed by the several States contravening, in the opinion of the national legislature, the articles of union, or any treaties subsisting under the authority of the union.

7. Resolved. That the right of suffrage in the first branch of the national Legislature ought not to be according to the rule established in the articles of confederation: but according to some equitable ratio of representation - namely.

in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, except Indians, not paying taxes in each State.

8. Resolved. That the right of suffrage in the second branch of the national Legislature ought to be according to the rule established for the first

9. Resolved. That a national Executive be instituted to consist of a single Person. To be chosen by the national Legislature. for the term of seven years.

with power to carry into execution the national laws.

to appoint to Officers in cases not otherwise provided for

to be ineligible a second time, and

to be removable on impeachment and conviction of mal practice or neglect of duty.

to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service

to be paid out of the national Treasury

*Journal of the Federal Convention Monday July 16. 1787.*

The question being taken on the whole of the report from the grand committee as amended

87

it passed in the affirmative and is as follows, namely.

*Resolved* - That in the original formation of the legislature of the United States the first Branch thereof shall consist of sixty five members.

of which number

New Hampshire shall send - Three

Massachusetts \_\_\_\_\_ Eight

Rhode Island \_\_\_\_\_ One

Connecticut \_\_\_\_\_ Five

New York \_\_\_\_\_ Six

New Jersey \_\_\_\_\_ four

Pennsylvania \_\_\_\_\_ Eight

Delaware \_\_\_\_\_ One

Maryland \_\_\_\_\_ Six

Virginia \_\_\_\_\_ Ten

North Carolina \_\_\_\_\_ Five

South Carolina \_\_\_\_\_ Five

Georgia \_\_\_\_\_ Three.

But as the present situation of the States may probably alter in the number of their inhabitants, the legislature of the United States shall be authorized from time to time to apportion the number of representatives: and in case any of the States shall hereafter be divided, or enlarged by addition of territory, or any two or more States united, or any new States created within the limits of the United States the legislature of the United States shall possess authority to regulate the number of representatives: ~~and~~ in ~~any~~ any of the foregoing cases upon the principle of their number of inhabitants, according

Journal of the Federal Convention Monday July 16. 1787.

to the purvisions hereafter mentioned, namely,

Provided always that representation right to be proportioned according to direct Taxation; and in order to ascertain the alteration in the direct Taxation, which may be required from time to time by the changes in the relative circumstances of the States. Resolved that a census be taken within six years from the first meeting of the Legislature of the United States, and once within the term of every ten years afterwards of all the inhabitants of the United States in the manner and according to the ratio recommended by Congress in their resolution of April 18. 1783 - and that the Legislature of the United States shall proportion the direct Taxation accordingly. Resolved That all Bills for raising or appropriating money; and for fixing the salaries of the Officers of the Government of the United States shall originate in the first Branch of the Legislature of the United States, and shall not be altered or amended by the second Branch - and that no money shall be drawn from the Public Treasury but in pursuance of appropriations to be originated by the first Branch.

Resolved that in the second Branch of the Legislature of the United States each State shall have an equal vote.

It was moved and seconded to agree to the first clause of the sixth resolution reported from the Committee of the whole House namely

"That the national Legislature ought to possess the legislative rights vested in Congress by the confederation which passed unanimously in the affirmative"

It was moved and seconded to commit the second clause of the sixth resolution reported from the Committee of the whole House

which passed in the negative

And then the House adjourned till to-morrow at 11 o'clock A. M.



**W**E the People of the States  
of New-Hampshire, Massachusetts,  
Rhode-Island and Providence Plan-  
tations, Connecticut, New-York, New-Jersey, Penn-  
sylvania, Delaware, Maryland, Virginia, North-Car-  
olina, South-Carolina, and Georgia, do ordain, declare  
and establish the following Constitution for the Govern-  
ment of Ourselves and our Posterity.

**A R T I C L E I.**

The Title of this Government shall be, "The United States of America."

**II.**

The Government shall consist of supreme legislative, executive and judicial powers.

**III.**

The legislative power shall be vested in a Congress, to consist of two separate and distinct bodies of men, a House of Representatives, and a Senate; ~~each of which shall, in all cases, have a negative on the other. The Legislature shall meet on the first Monday in December in every year.~~

**IV.**

*Sec. 1.* The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures.

*Sec. 2.* Every Member of the House of Representatives shall be of the age of twenty-five years; shall have been seven years a citizen of the United States; for at least two years before he is elected; and shall, when elected, be an inhabitant of the State in which he is elected.

*Sec. 3.* The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner herein after described, consist of sixty-five Members, of whom three shall be chosen in New-Hampshire, eight in Massachusetts, one in Rhode Island and Providence Plantations, five in Connecticut, six in New-York, four in New-Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North-Carolina, five in South-Carolina, and three in Georgia.

*Sec. 4.* As the proportions of numbers in the different States will alter from time to time; as some of the States may hereafter be divided; as others may be enlarged by addition of territory; as two or more States may be united; as new States will be erected within the limits of the United States, the Legislature shall, in each of these cases, regulate the number of representatives by the number of inhabitants, according to the rate of one for every forty thousand.

*Sec. 5.* All bills for raising or appropriating money, and for raising the salaries of the officers of government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations that shall originate in the House of Representatives.

*Sec. 6.* The House of Representatives shall have the sole power of impeachment. It shall choose its Speaker and other officers.

*Sec. 7.* Vacancies in the House of Representatives shall be supplied by writs of election from the executive authority of the State, in the representation from which they shall happen.

**V.**



## Ratification of the Constitution

The Constitution presented to the American people in the autumn of 1787 provided the method of its own ratification in its final article. It was to be ratified not by State legislatures but by conventions elected in each State for the express purpose of considering the new Constitution. The nearly moribund Confederation Congress, having roused itself during the summer to pass the Northwest Ordinance, now voted that the Constitution be "transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof."

Although the Pennsylvania ratifying convention was the first to meet, the Delaware Convention was the first to ratify the Constitution (document 30). Many of the fears of the small States had been effectively allayed by the equal representation granted the States in the Senate, so that little opposition to the federal plan had developed in Delaware. Elsewhere arguments against the Constitution centered chiefly on three points—that the central government was given too much power, that its power was drawn from the Constitution as the supreme law of the land, and that the Constitution did not contain guarantees of States' rights and individual liberties. The last argument, especially popular, led to general demands for a "bill of rights." There were enough proponents of the new Constitution, however, to ensure its acceptance even though violent discussions raged in several ratifying conventions. In some cases opponents were mollified by a promise that amendments to the Constitution would be proposed as soon as the new government was organized.

When New Hampshire ratified on June 21, 1788, the requirement for ratification by the "conventions of nine States" had been fulfilled so that the Constitution could go into effect. The last of the Original Thirteen to ratify was Rhode Island on May 29, 1790.



## The First Presidential Election

The time had now come to put into effect the national electoral process established by the new Constitution, and the Confederation Congress was called upon for a deed of unique self-abnegation: to provide for the election of its own successor. Even though 10 members of Congress had also been members of the Federal Convention, the old Congress debated off and on for 10 weeks, from July 2 to September 28, 1788, what it should do about calling an election. Congress finally passed this resolution:

... That the first Wednesday in January next, be the day for appointing Electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the Electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next, be the time, and the present Seat of Congress [New York] the place for commencing Proceedings under the said Constitution. (Document 31.)

The Constitution provided only that the Presidential electors should be appointed in whatever manner the legislatures of the individual States directed. In accordance with the congressional resolution fixing January 7, 1789, as the date for choosing electors, Massachusetts acted on that day. The General Court (the legislative body) itself named two electors at large and chose eight from a list of men elected by the voters of the State (document 32). The 10 electors met in the Senate Chamber on February 4, 1789, and, as the Constitution provided, each voted for two men. They cast 10 votes for George Washington and 10 for John Adams.

In South Carolina the legislature named the electors directly. This method was also used by Connecticut, New Jersey, Delaware, and Georgia. Pennsylvania, Maryland, and Virginia chose their electors by popular ballot. New York lost its vote when the two branches of the legislature reached a deadlock over the method to be used. After the seven South Carolina electors had acted, they reported:

We . . . did vote by ballot for two Persons accordingly, and on opening the said ballots, We found that the Honorable George Washington Esq<sup>r</sup> of Virginia . . . —had seven—votes and John Rutledge—had six—votes and John Hancock had one vote. . . . (Document 33.)



*The the Dependence of the S. States on European and Foreign Goods*

into our entire constitution the Western Constitution proposed and agreed upon by the Signature of the United States in a General Convention held at the City of Philadelphia on the nineteenth day of September in the year of our Lord one thousand seven hundred and eighty seven. It was approved, adopted, ratified, and confirmed, and by these Delegates. U. S. in virtue of the power and authority to us given for that purpose by and in behalf of ourselves and our Constituents, fully, freely, and entirely appears of consent to ratify, and confirm the said Constitution.

It was in Convention and Done the fourth day of December in the year aforesaid, and in the year of the Independence of the United States of America the twelfth of the said Independence, whereof we have herewith subscribed our Names.

To all whom these warrants shall come greeting, I Thomas  
Governor of the State of New York, do hereby certify that the above  
instrument of writing is a true copy of the original ratification of the said  
Declaration by the Convention of the State of New York, which original ratifi-  
cation is now on file before the Secretary thereof & have annexed  
the seal of the State to the warrants annexed.

Mr. Collins

Inglis County	Hunt County	Jen Cooke & Mary
John Ingram	Nicholas Shubly	Ja - Carter & wife
John Jones	Richard Smith	James Webb
William Howe	George Smith	James Webb
William Kell	Richard Wolford	Wm - Jones
Thomas Jones	James Phipps	Erasmus Whitford
Joac Taylor	Wm. Williams	Henry White
Maddam & Family	Tand Cummings	Thomas Watson
John Lewis	Joseph Parker	William & Mary Allen
Thomas Evans	Edward Wade	Nicholas Young
Small Scotland	George & Katherine	Thomas Wright
		James Whitford

30. THE DELAWARE RATIFICATION OF THE CONSTITUTION.  
December 7, 1787. Ratification by the States of the Constitution of the United States and of the First Ten Amendments. RG 11. 31<sup>2</sup>s x 16<sup>1</sup>2 in.  
Parchment. Bears the names of the State deputies, probably in the hand of a clerk. Attested by the signature of Thomas Collins, President of Delaware. State seal in left margin. 1 sheet. Endorsed: Ratification of the Federal Constitution by the Delaware State/Recorded—page 78. // Delaware.

By the United States in Congress  
assembled,

SEPTEMBER 13, 1788.

**W**HEREAS the Convention assembled in Philadelphia, pursuant to the Resolution of Congress of the 21<sup>st</sup> February, 1787, did, on the 17<sup>th</sup> of September in the same year, report to the United States in Congress assembled, a Constitution for the People of the United States; whereupon Congress, on the 28<sup>th</sup> of the same September, did resolve unanimously, "That the said report, with the Resolutions and Letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made and provided in that case:" And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such Ratifications duly authenticated have been received by Congress, and are filed in the Office of the Secretary--- therefore,

RESOLVED, That the first Wednesday in January next, be the day for appointing Electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the Electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next, be the time, and the present Seat of Congress the place for commencing Proceedings under the said Constitution.

31. CALL FOR THE FIRST PRESIDENTIAL ELECTION, September 13, 1788, Misc. PCC, Broadside, RG 360. 12<sup>5</sup>/<sub>8</sub> x 7<sup>7</sup>/<sub>8</sub> in. Broadside. 1 page.

Commonwealth of Massachusetts

In Senate January 7. 1789

Ordered that the Secretary notify

The Hon.<sup>ble</sup> Caleb Davis

Samuel Phillips jun.<sup>r</sup> V.

Francis Dana Esq.<sup>r</sup> V.

Samuel Henshaw Esq.<sup>r</sup>

The Hon.<sup>ble</sup> William Lever

David Swart

Walter Spooner

Moses Gill

William Cushing J<sup>r</sup>

William Shepard Esquires, that

they have been chosen Electors & President & Vice. Pres.  
of the United States, agreeably to the Constitution then  
in force of this time & place of their meeting

Sent down for concurrence

Sam<sup>l</sup> Phillips jun.<sup>r</sup> V. read.

In the House of Representatives January 7. 1789

Read & Concurred

Theodore Sedgwick Spk<sup>r</sup>

True copy

Attest

John Avery jun<sup>r</sup> Sec<sup>y</sup>

City of Charleston State of South Carolina;

We the Subscribers being duly appointed in the manner  
directed by the Legislature of the State of South Carolina  
Electors for the purpose of choosing a President of the  
United States agreeable to the Federal Constitution  
met at twelve o'clock on the fourth day of February  
Exchange of the City of Charleston in the State of South  
Carolina, and being duly sworn before his Excellency  
the Governor, agreeable to an Act entitled 'an Act prescribing  
on the part of this State, the times places and manner of  
holding Elections for Representatives in the Congress and  
the manner of appointing Electors of a President of the  
United States' and having also taken the Oath of Allegiance  
and Abjuration agreeable to the 36<sup>th</sup> Clause of the Consti-  
tution of the State of South Carolina **Did** vote by ballot  
for two Persons accordingly, and on opening the said  
ballots we found that the Honorable George Washington Esq:  
of Virginia — and the Honorable John Rutledge Esq:  
of South Carolina & the Honorable John Hancock Esq:  
of Massachusetts — were voted for, and that George  
Washington — had seven — votes and John Rut-  
ledge had six — votes and John Han-  
cock had one vote

**All** which we do Certify, and in Testimony thereof have  
signed our Names and affixed our Seals this fourth day of  
February in the year of our Lord One thousand seven hun-  
dred and Eighty nine, and in the thirtieth year of the  
Independence of the United States of America;

Christ Gadsden Edward Rutledge

Henry Laurens Charles Cotesworth Pinckney

Thos Heyward Jr.

Arthur Grimké John Faulkner and Grimké

## The Unanimous Choice

The Confederation Congress had set March 4, 1789, as the date and New York City as the place for the first meeting of Congress under the Constitution, but bad roads and bad weather combined to thwart the best of intentions. Not until April 1 was the House of Representatives organized and not until April 6 did a quorum of the Senate assemble. The first order of business was to count the votes for President and Vice President, and the Senate elected John Langdon as its temporary president solely for that purpose. The electoral votes, counted immediately, showed that each of the 69 electors had voted for George Washington. He was thus the unanimous choice for the Presidency. John Adams, who received the next largest number of votes, was elected to the Vice Presidency. That same day Langdon wrote to Washington and Adams informing them of this result. The letter to Washington read:

I have the honor to transmit to your Excellency the information of your unanimous election to the office of President of the United States of America. Suffer me, Sir, to indulge the hope, that so auspicious a mark of public confidence will meet your approbation, and be considered as a sure pledge of the affection and support you are to expect from a free and an enlightened People—(Document 34.)

Charles Thomson, the faithful Secretary of every Congress beginning with the First Continental Congress of 1774, was chosen to carry the letter of notification to Mount Vernon. Typical of the man whose meticulous records were invaluable to the incoming Presidential administration and to historians ever since, Thomson's description of his journey and Washington's remarks upon learning of his election is detailed and factual:

In pursuance of the orders I received from the Senate I left New York on Tuesday the seventh of the present month; and though much impeded by tempestuous weather, bad roads and the many large rivers I had to cross, yet by unremitting diligence I reached Mount Vernon, the seat of his excellency genl Washington on Tuesday the 14 about 12 o'clock. I found his excellency at home and after communicating to him the object of my mission and the substance of my

instructions I took an opportunity, on the day of my arrival, to address him. . . .

. . . his Excellency was pleased to make the following reply "Sir, I have been long accustomed to entertain so great a respect for the opinion of my fellow citizens, that the knowledge of their unanimous suffrages having been given in my favour scarcely leaves me the alternative for an Option. Whatever may have been my private feelings and sentiments, I believe I cannot give a greater evidence of my sensibility for the honor they have done me than by accepting the appointment

I am so much affected by this fresh proof of my country's esteem and confidence, that silence can best explain my gratitude—While I realize the arduous nature of the task which is conferred on me and feel my inability to perform it, I wish there may not be reason for regretting the choice. All I can promise is only that which can be accomplished by an honest zeal. . . ." (Document 35.)

Washington left Mount Vernon for New York on April 16. His journey was almost a triumphal procession, as the American people sought to do him honor along the way. On April 30 on the balcony of Federal Hall in Wall Street, the oath of office prescribed in the new Constitution was administered to Washington by Robert R. Livingston, the chancellor of New York State, before a large and enthusiastic crowd of citizens in the street below. Then the new President entered the Senate Chamber, where he delivered an inaugural address to Congress. He said in part:

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order. . . . On the one hand, I was summoned by my Country, whose voice I can never hear but with veneration and love. . . . On the other hand, the magnitude and difficulty of the trust to which the voice of my Country called me, being sufficient to awaken in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with dispondence, one, who, inheriting inferior endowments from nature and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. . . .

Such being the impressions under which I have . . . repaired to the present station; it would be peculiarly improper to omit in this first official Act, my fervent supplications to that Almighty Being who rules over the Universe . . . that his benediction may consecrate to the liberties and happiness of the People of the United States, a Government instituted by themselves for these essential purposes. . . . (Document 36.)





Copy.

New York, 6<sup>th</sup> April, 1789.

Sir,

I have the honor to transmit to  
your Excellency the information of your unanimous  
election to the office of President of the United States  
of America. I trust now, Sir, to indulge the  
hope, that I am affording a mark of public  
confidence will meet your approbation, and be  
considered as a sure pledge of the affection and  
support you will expect from a free and an  
enlightened People.

I am, Sir, with the  
sentiments of respect,

Yr. ob. servt.  
J. L.

His Excellency

George Washington, Esq.

34. LETTER INFORMING WASHINGTON OF HIS ELECTION AS  
PRESIDENT, April 6, 1789, 1A-J3, Papers Pertaining to the Notification of the  
President and Vice President of Their Election, RG 46. 12¼ x 7¾ in.  
Official Copy. On the back of this page is the Official Copy of the Notification  
to John Adams of his election as Vice President. 1 page. Endorsed 1<sup>st</sup> Sess:  
L 1<sup>st</sup> Con. Copies to The President & Vice President Ent<sup>d</sup> New York April 6<sup>th</sup>,  
1789. L Jour fol 1. & 11.

New York April 24. 1789

Sir,

In pursuance of the orders I received from the Senate I left New York on Tuesday the seventh of the present month, and though much impeded by tempestuous weather, bad roads, and the many large rivers I had to cross, yet by unremitting diligence I reached Mount Vernon, the seat of his excellency Gen<sup>l</sup> Washington on Tuesday the 14 about 12 o'clock. I found his excellency at home and after communicating to him the object of my mission and the substance of my instructions I took an opportunity, on the day of my arrival, to address him as follows

"Sir, The president of the Senate, chosen for the special occasion, having opened and counted the votes of the Electors in the presence of the Senate and the House of Representatives, I was honored with the commands of the Senate to wait upon your Excellency with the information of your being elected to the office of President of the United States of America. This commission was entrusted to me on account of my having been long in the confidence of the late Congress and charged with the duties of one of the principal civil departments of government.

I have now, Sir, to inform you, that the proofs you have given of your patriotism and of your readiness to sacrifice domestic ease and private enjoyment, to preserve the liberty and promote the happiness of your country did not permit the two Houses to harbour a doubt of your undertaking this great, this important office, to which you are called not only by the unanimous votes of the electors but by the voice of America. I have it therefore in command to accompany you to New York where the Senate and the House of Representatives are convened

35. THOMSON'S LETTER ON HIS JOURNEY TO MOUNT VERNON.  
April 24, 1789, 1A-J3, RG 46, 12 1/2 x 8 in. In the hand of Charles Thomson  
3 pages (pages 1 and 2 illustrated). Endorsed: Apr 24 Legis. 1 Cong. 1  
Sess. Report of Charles Thompson Esq. on the mode of his addressing and  
notifying Gen<sup>l</sup> Washington, of his election, as president of the U.S. of A. April  
24 1789. N<sup>o</sup> 1. 1<sup>st</sup> Sess. 1<sup>st</sup> Cong. L. April 24<sup>th</sup> 1789. Charles Thomson. Read  
& ordered to be on file. Encl. Fol 31

for the dispatch of public business. In executing this part of my commission, where personal gratification coincides with duty I shall wait your time and be wholly governed by your convenience.

To this his Excellency was pleased to make the following reply

"Sir, I have been long accustomed to entertain so great a respect for the opinion of my fellow citizens, that the knowledge of their unanimous suffrages having been given in my favour scarcely leaves me the alternative for an Option. Whatever may have been my private feelings and sentiments, I believe I cannot give a greater evidence of my sensibility for the honor they have done me than by accepting the appointment

I am so much affected by this fresh proof of my country's esteem and confidence, that silence can best explain my gratitude. While I realize the arduous nature of the task which is conferred on me and feel my inability to perform it, I wish there may not be reason for regretting the choice. All I can promise is only that which can be accomplished by an honest zeal.

Upon considering how long time some of the gentlemen of both houses of Congress have been at New York, how anxiously desirous they must be to proceed to business, and how deeply the public mind appears to be impressed with the necessity of doing it immediately I cannot find myself at liberty to delay my journey. I shall therefore be in readiness to set out the day after to-morrow, and shall be happy in the pleasure of your company. For you will permit me to say that it was a peculiar gratification to have received the communication from you."

His Excellency set out accordingly on Thursday the 16<sup>th</sup>. His progress was retarded by the tender and affectionate leave which his neighbours and friends took of him; by the congratulatory addresses which he was obliged to receive by the way; and by the testimonies of public esteem and joy, to which it was necessary for him to pay attention, in the several states through which he

Fellow Citizens of the Senate  
and  
of the House of Representatives.

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourteenth day of the present month. — On the one hand, I was summoned by my Country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection; and, in my flattering hopes, with an immutable decision, as the asylum of my declining years: a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. — On the other hand, the magnitude and difficulty of the trust to which the voice of my Country called me, being sufficient to awaken in the wisest and most experienced of her citizens, a distrustful

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36. WASHINGTON'S INAUGURAL ADDRESS, April 30, 1789, 1A E1.  
President's Messages, RG 46. In the hand of George Washington: 8 pages  
(pages 1 and 8 illustrated). Endorsed: The President's Speech 3 April 1789  
Ent fol 35 N° 7

permanent provision for the Executive Department; and must accordingly pray that the pecuniary estimates for the Station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require. -

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, - I shall take my present leave; - but not without resorting once more to the benign Parent of the human race, in humble supplication that since ~~it has been feared to~~ the American people, with opportunities for deliberating in perfect tranquility and dispositions for deciding with unparalleled unanimity on a form of Government, for the security of their Union, and the advancement of their happiness; so this divine blessing may be equally conspicuous in the enlarged views the temperate consideration, - and the ~~in~~ ~~on~~ ~~the~~ ~~success~~ ~~of~~ ~~this~~ ~~Govern-~~ ~~ment~~ must depend. -

Wm. Washington

## The Bill of Rights

One step remained, one promise still had to be kept, before the formation of the Union was complete. One of the most frequent objections to the Constitution during the debate over its ratification was that it lacked specific guarantees of the personal freedom of individual citizens and the rights of the States. The State ratifying conventions in Massachusetts, South Carolina, New Hampshire, Virginia, and New York submitted proposed amendments with their resolutions of ratification. Proponents of the document promised that a "bill of rights" would be proposed by the new Government as soon as it was organized.

In North Carolina the struggle over ratification was even more severe, for no mere promise was satisfactory to its convention. Meeting in Hillsboro on August 1, 1788, the convention passed a resolution:

... That a Declaration of Rights, asserting and securing from incroachment the great Principles of civil and religious Liberty, and the unalienable Rights of the People, together with Amendments to the most ambiguous and exceptionable Parts of the said Constitution of Government, ought to be laid before Congress, and the Convention of the States that shall or may be called for the Purpose of Amending the said Constitution, for their consideration, previous to the Ratification of the Constitution aforesaid, on the part of the State of North Carolina. (Document 37.)

The resolution was followed by 26 suggested amendments. The convention then adjourned without taking final action on the Constitution.

Soon after the First Congress met, it began to consider amendments guaranteeing civil rights and liberties. James Madison, then a Representative from Virginia, had pledged to use his influence to bring about the adoption of a "bill of rights." From the many amendments that had been suggested

by ratifying conventions he offered on June 8, 1789, a select list for the consideration of the House. The House passed 17 of these. The Senate reduced this number to 12 by combining some and deleting others.

On September 25, 1789, Congress passed a resolution proposing 12 constitutional amendments. The enrolled original of the resolution—the Federal Government's official copy—was signed by Augustus Muhlenberg, Speaker of the House, and John Adams, President of the Senate. Thirteen other signed copies, also written on parchment, were forwarded to President Washington; and on October 2, in pursuance of a congressional resolution, he transmitted a copy to each State of the Union and to Rhode Island and North Carolina which still had not ratified the Constitution and could take no formal action on the amendments at that time. However, the main objection of North Carolina to the Constitution was removed. Another convention was held; and on November 22, 1789, North Carolina ratified the Constitution and thus became a member of the Union.

The suggested amendments were well received by the other States as well, and some of them immediately acted on ratification. New York ratified on March 27, 1790 (document 38), accepting all the suggested amendments except the second. While the proposed amendments were under consideration by the States, Rhode Island and the new State of Vermont joined the Union. This raised to 11 the number of States necessary to make a change in the Constitution. On December 15, 1791, Virginia ratified all the proposed amendments. Of the original 12 proposed, 10 amendments had then been ratified by the requisite three-fourths of the States. These amendments, guaranteeing civil rights and liberties to the individual, thus became part of the fundamental law of the land.





## State of North-Carolina.

### IN CONVENTION, AUGUST 1, 1788.

Resolved, That a Declaration of Rights, asserting and securing from encroachment the great Principles of civil and religious Liberty, and the unalienable Rights of the People, together with Amendments to the most ambiguous and exceptionable Parts of the said Constitution of Government, ought to be laid before Congress, and the Convention of the States that shall or may be called for the Purpose of Amending the said Constitution, for their consideration, previous to the Ratification of the Constitution aforesaid, on the part of the State of North Carolina.

#### DECLARATION OF RIGHTS.

1<sup>st</sup>. That there are certain natural rights of which men, when they form a social compact, cannot deprive or divest their posterity, among which are the enjoyment of life, and liberty, with the means of acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety.

2<sup>d</sup>. That all power is naturally vested in, and consequently derived from the people; that magistrates therefore are their trustees, and agents, and at all times amenable to them.

3<sup>d</sup>. That Government ought to be instituted for the common benefit, protection and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive to the good and happiness of mankind.

4<sup>th</sup>. That no man or set of men are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge, or any other public office to be hereditary.

5<sup>th</sup>. That the legislative, executive and judiciary powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression by feeling and participating the public burthens, they should at fixed periods be reduced to a private station, return into the mass of the people; and the vacancies be supplied by certain and regular elections; in which all or any part of the former members to be eligible or ineligible, as the rules of the Constitution of Government, and the laws shall direct.

6<sup>th</sup>. That elections of Representatives in the legislature ought to be free and frequent, and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage: and no aid, charge, tax or fee can be set, rated, or levied upon the people without their own consent, or that of their representatives, so elected, nor can they be bound by any law, to which they have not in like manner assented for the public good.

7<sup>th</sup>. That all power of suspending laws, or the execution of laws by any authority without the consent of the representatives, of the people in the Legislature, is injurious to their rights, and ought not to be exercised.

8<sup>th</sup>. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty (except in the government of the land and naval forces) nor can he be compelled to give evidence against himself.

9<sup>th</sup>. That no freeman ought to be taken, imprisoned, or disarmed of his freehold, liberties, privileges or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property but by the law of the land.

10<sup>th</sup>. That every freeman restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

11<sup>th</sup>. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolable.

12<sup>th</sup>. That every freeman ought to find a certain remedy by recourse to the laws for all injuries and wrongs he may receive in his person, property, or character. He ought to obtain right and justice freely without sale, completely and without denial, promptly and without delay, and that all establishments, or regulations contravening these rights, are oppressive and unjust.

13<sup>th</sup>. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

14<sup>th</sup>. That every freeman has a right to be secure from all unreasonable searches, and seizures of his person, his papers, and property: all warrants therefore to search suspected places, on seize any freeman, his papers or property, without information upon oath (or affirmation of a person religiously scrupulous of taking an oath) of legal and sufficient cause, are grievous and oppressive, and all general warrants to search suspected places, or to apprehend any suspected person without specially naming or describing the place or person, are dangerous and ought not to be granted.

15<sup>th</sup>. That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition or apply to the Legislature for redress of grievances.

16<sup>th</sup>. That the people have a right to freedom of speech, and of writing and publishing their sentiments; that the freedom of the press is one of the greatest bulwarks of Liberty, and ought not to be violated.

17<sup>th</sup>. That the people have a right to keep and bear arms; that a well regulated militia composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free state. That standing armies in time of peace are dangerous to Liberty, and therefore ought to be avoided, as far as the circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to, and governed by the civil power.

18<sup>th</sup>. That no soldier in time of peace ought to be quartered in any house without the consent of the owner, and in time of war in such manner only as the Laws direct.

19<sup>th</sup>. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

20. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men have an equal, natural and unalienable right to the free exercise of religion according to the dictates of conscience, and that no particular religious sect or society ought to be favoured or established by law in preference to others.

#### Amendments to the Constitution.

I. **T**HAT each State in the union shall, respectively, retain every power, jurisdiction and right, which is not by this constitution delegated to the Congress of the United States, or to the departments of the Federal Government.

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## A Note on the Documents

When the First Continental Congress met on September 5, 1774, in Philadelphia, one of its earliest acts was to elect Charles Thomson Secretary of the Congress. He served in this capacity for both the Continental Congress and its successor, the Congress of the Confederation for 15 years—until the establishment of the Federal Government in 1789. Thanks to Thomson's conscientious care, the "Papers of the Continental Congress," now in the National Archives, provide modern historians with a rich record of the events of the formative years of the United States.

Very important among the "PCC" are the Journals of the Continental and Confederation Congresses, of which there are three versions. The "Rough Journal" is Thomson's daily record of the order of business; the "Corrected" or "Transcript" Journal is the Rough Journal edited for publication by committees appointed from time to time for this purpose; and the several "Secret Journals" record secret proceedings of the Congress.

The variety of other papers in this body of records attests to the breadth of the concerns of the Congress. For example, there are original and transcript letters and reports from such figures as George Washington, John Hancock, Benjamin Franklin, and many other military and civil officials of the United States. In addition there are dispatches from American representatives abroad and notes from foreign envoys in the United States, as well as memorials and petitions to Congress showing the concerns of the American people during the period. In the letters received from Governors and other officials of the States, the activities of the States and their relation to Congress are revealed. Foreign affairs, government finance, military and naval problems, relations with Indians, land distribution and many other areas of pre-Federal history are represented in the Papers of the Continental Congress.

In 1789, the PCC were turned over to the Department of Foreign Affairs (later the Department of State) of the Washington administration. During the War of 1812, they narrowly escaped destruction by being transported out of the city when the British burned Washington.

From 1815 to 1903, the Papers of the Continental Congress remained in the custody of the

State Department. Their transfer to the Library of Congress in 1903 was partially an attempt to make them more accessible to scholars. Since President Theodore Roosevelt's Executive Order covering the transfer allowed the State Department to select which papers should be placed in the Library, it was decided to keep at the State Department the papers relating to diplomatic history and the "great documents," including the Declaration of Independence, the Articles of Confederation, the Ordinance of 1787, the Constitution, and the Bill of Rights. However, President Warren G. Harding ordered that the "Great Charters" be added to the PCC held by the Library of Congress, and in 1924 the Declaration of Independence and the Constitution were placed on public display on the second floor of the Library.

When in 1938 the State Department transferred sections of its records to the newly created National Archives, the first of the Papers of the Continental Congress found their way into the National Archives. The Library of Congress released the bulk of the Papers of the Continental Congress to the National Archives 14 years later, thereby reuniting this famous body of records in the depository designed to keep the permanently valuable records of the Federal Government.

With the records of the Constitutional Convention, they constitute Record Group 360, The Records of the Continental and Confederation Congresses and the Constitutional Convention, in the Legislative, Judicial and Diplomatic Records Division of the National Archives. Most of the documents reproduced in this publication and in the accompanying facsimile package are from this Record Group. All are among the records in the National Archives Building in Washington.

In the citations in this essay, the following abbreviations have been used:

PCC Papers of the Continental Congress

RG Record Group

Lengthy quotations in the text for which no citation is given are from the record of the appropriate day's proceedings as printed in the 34-volume edition of the *Journals of the Continental Congress* produced by the Library of Congress (Washington, D.C.: Government Printing Office, 1904-37).

# We the People

of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article I

Section 1. All legislative Powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years a Citizen of the United States, and when elected, shall not be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such Enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York nine, New Jersey four, Pennsylvania eight, Delaware one, Maryland two, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writ of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Clauses. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of which any Representative of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to remove from Office, and disqualification to hold and enjoy any Office of Honor, Trust, or Profit under the United States; but the Party convicted shall nevertheless be liable to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday of December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business, but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three Days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from their respective Houses, and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emolument whereof shall have been increased during such Time; and no Person holding any Office under the United States, shall be a Member of either House during the Continuance of his Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as to the Matter of such Bills; and all Bills shall have the assent of the President of the United States before they shall take Effect.



United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be a Law, though the Objections to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the same shall be a Law, in like Manner as if he had signed it, except the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a Question of Adjournment) shall be presented to that President of the United States, and before he shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coins, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Opinion of particular States, and the Consent of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Armies, dock Yards, and other needful Buildings, — And,

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from one State, be obliged to call at any Port of another State, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; or any Thing like gold and silver Coins; or Payment of Debts, except by Bill of Licensure or Pass, or in a Law, or in a Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article II.

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and together with the Vice President, chosen for the same Term, be elected, as follows.

Each State shall appoint, in its Manner, as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State.



the same State with themselves. And they shall make a list of all the Persons voted for, and of the Number of Votes for each, which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes, which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and what Officer shall act in the stead of the Vice President, and the Congress shall also provide for the Case of the President being removed from Office, or of his Death, Resignation, or Inability.

The President shall, at stated Times, receive for his Services a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officers in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; and he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## Article III.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States, and between a State or Citizens thereof and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury, and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law provide.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Infamy except during the Life of the Person attainted.

## Article IV.

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And

Congress may by general Laws provide the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to that State having Jurisdiction of the Crime.

For Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or created within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to declare and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed, as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion, and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof; as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## Article VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the former.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## Article VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

The Word "they" being interlined between the words "and eighth Lines of the first Page, the Word "They" being partly written in an Erasure in the fifth and sixth Lines of the first Page, the Words "and being ratified" being interlined between the thirty second and thirty third Lines of the first Page and the Word "they" being interlined between the forty third and forty fourth Lines of the second Page.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names.

Attest William Jackson Secretary

<p>Delaware {</p> <p>George Read Gunning Bedford jun John Dickinson Richard Bassett Jesse Berzon James Wilson</p> <p>Maryland {</p> <p>Dan of St. Thomas Dorsey John Blair James McHenry</p> <p>Virginia {</p> <p>Wm Blount Richd. B. Haight A. Williamson J. Rutledge</p> <p>North Carolina {</p> <p>Charles Stewart Charles Pinckney Pierce Butler</p> <p>South Carolina {</p> <p>William Low John Rutledge</p>	<p>New Hampshire {</p> <p>John Langdon Nicholas Gilman</p> <p>Massachusetts {</p> <p>Nathaniel Gorham Rufus King</p> <p>Connecticut {</p> <p>Roger Sherman Alexander Hamilton</p> <p>New York {</p> <p>Wm Livingston David W. Barclay</p> <p>New Jersey {</p> <p>Wm Paterson Jona. Dayton</p> <p>Pennsylvania {</p> <p>John Franklin Thomas Mifflin Mat. Morris Geo. Clymer Thos. Bland Jesse Enghart James Wilson Ged. Moore</p>
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# Congress of the United States,

begun and held at the City of New York, on  
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Convention of members of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent accumulation of abuses of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficial ends of the said Constitution.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, that Article I of the said Constitution, concerning the following Articles, be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all in conformity with the said Article, and that the said Legislatures, be and they are authorized to ratify, as part of the said Constitution, viz:

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution:

Article the first. After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every fifty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Article the third. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article the fourth. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article the fifth. No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh. Excessive bail shall not be required, excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the eighth. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense.

Article the ninth. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and in fact tried by a jury shall be otherwise, as examined in any Court of the United States, then existing, to the rules of the common law.

Article the tenth. Excessive bail shall not be required, excessive fines imposed, nor cruel and unusual punishments inflicted.

Article the eleventh. The enumeration in this Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Article the twelfth. The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people.

Attest,

Charles C. Pinckney, Secretary of the House of Representatives.

John Adams, Vice President of the United States, and President of the Senate.

John Beckley, Clerk of the House of Representatives.  
Sam. H. 1789 Secretary of the Senate.

THE JOINT RESOLUTION PROPOSING A BILL OF RIGHTS

"... the Q<sup>t</sup> Marster Gen<sup>l</sup> shall cause all the Tools of every kind belonging to the United Colonies, or at any time, Purchased for them, to be marked with the following Brand or Stamp." War of the Revolution Orderly Book 12, RG 93, NA.

CXIII

Decorative devices throughout this publication are reproductions of designs found on State and Continental Currency in the National Archives.



